

## 6 ‘Deliberating the Rights of the Child’

The inclusion of children in deliberative democracy and some insights from Israel

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### 6.1 Introduction

Deliberative democracy is a democratic theory and practice that emphasises a decision-making process in which deliberation is a central component. On this view, the democratic legitimacy of decisions is based on whether all those who are subject to the decision have a right and an opportunity to freely deliberate, be heard, and influence the decision-making process (Beauvais & Baechtiger, 2016; Bohman, 1998). Increasing citizen participation in deliberative processes is not sufficient. Rather, there is a need to ensure diversity of participants’ backgrounds, perspectives, and experiences. Therefore, inclusion has emerged as a central value of deliberative democracy, and theoretical and practical work focuses on ensuring that members of disempowered and under-represented groups are effectively incorporated in deliberative processes and systems (Karpowitz et al., 2009; Wojciechowska, 2019).

Prioritising inclusion, both in terms of *access* to deliberative processes and *meaningful and impactful* participation, drives the discussion of the role and rights of children in deliberations, and the benefits and concerns associated with such inclusion. Before delving deeper, a semantic note is required. Generally, and also in this chapter, ‘children’ are defined as human beings below the formal age of majority (typically 18). While we maintain that all children should have an opportunity to participate in matters relating to them, in accordance with their age and maturity, we acknowledge that participation in deliberative processes concerning constitution-making, legislation, and policy-making is perhaps especially critical, relevant, and practical for youth/adolescents (14–17), mainly due to youth’s evolving capacities and enhanced abilities to tackle complex deliberative issues (UN Committee on the Rights of the Child, 2016). Having said that, throughout the chapter, we opted for the general term ‘children’ (unless the term ‘youth/adolescents’ is required for accuracy in a specific context). This choice is based on the terminology of the children’s rights discourse, which is central to this chapter, and also reflects that distinguishing between children and youth and/or determining specific age limits, for deliberation, or whether such age limits are necessary is beyond the scope of this chapter.

In recent decades, children’s role in public decision-making processes and deliberations has received increasing attention (Cockburn, 2010; Forde et al., 2020;

Nishiyama, 2017). Although deliberative democracy has been acknowledged as a ‘promising starting point’ for children in democracy (Nishiyama, 2017, 9), children today remain under-represented in, and in some cases, even excluded from deliberative processes. Thus, children’s experiences, insights, and views are largely absent from decision-making processes relating to their lives and discussions on inclusion in deliberations are still predominately adult-centred, leaving the issue of children in deliberative processes under-developed in both theory and practice.

The chapter argues the case for including children in constitution-making, legislative, and national policy-related deliberative processes, based on the deliberative democratic approach and the children’s rights discourse. It does so by considering the aims and values relating to deliberative democracy and how they justify child participation in decision-making, and by introducing a child rights perspective on children and deliberative democracy, anchored in the UN Convention on the Rights of the Child (CRC) and the work of the UN Committee on the Rights of the Child (CRC Committee).

Based on these two theoretical perspectives, the chapter offers a spotlight on children’s involvement in deliberative democracy in Israel, analysing two recent cases in which children participated in policy-related deliberative processes at the national level: the Israel National Council for the Child (NCC) Youth Parliament (NCCYP), with a focus on the ‘Child Participation in Policy-Making’ deliberation, and the Children’s Meeting in the Inter-Sectoral Roundtable on Children and Youth during COVID-19’ (IRTCY). This section focuses on the mechanisms and impact of these cases and concludes with some insights on children’s participation in deliberation in Israel, and potentially, beyond.

## **6.2 The inclusion of children in deliberative processes**

### **6.2.1 *Including children in legislation and policy-making deliberative processes***

The discussion on children in the public-political sphere is long established, and its diverse arguments have been analysed and debated in many of its more well-known ‘offshoot’ discussions on issues such as children’s enfranchisement (Cook, 2013; Farson, 1978; Holt, 1974) or child citizenship (Assim, 2019; Invernizzi & Willams, 2007). Focusing on the aims and values of deliberative democracy, this section addresses the key justifications for and objections to the inclusion of children in legislative and policy-making deliberative processes.

From this standpoint, the case for including children in deliberative processes is based on four main justifications. First, hearing children in decision-making fulfils the aim of *inclusion*, which is at the core of deliberative democracy. In many respects, children meet the criteria of a disempowered and under-represented group that has limited influence on public policy: they are often excluded from deliberative processes due to their age and legal standing as minors; they encounter unique barriers to participation in terms of access and meaningful participation (age-based restrictions; need for parental consent; ‘age-blind’ mechanisms that are

not designed for or adapted to children, etc.) and; they lack resources, effective organisation, and representation (Cockburn, 2010; Karpowitz et al., 2009). Indeed, children are not a homogeneous group in terms of their backgrounds and lived experiences and in contrast to other socially excluded or under-represented groups, their under-representation is temporal (as they will eventually ‘grow-out’ of being children and could participate as adults). Still, we propose that children share similar characteristics relating to their age, development, social realities, and expectations that provide them with unique perspectives. Accordingly, incorporating children in decision-making processes adds to the diversity of opinions; may result in novel insights and suggestions; and potentially enhances the acceptance and legitimacy of decisions by children themselves (Harris, 2021; Kulynych, 2001; Nishiyama, 2017). Therefore, the under-representation and, in many cases, exclusion of children from deliberative decision-making on matters relating to their lives undermines the principle of inclusion and thereby weakens the democratic legitimacy of decision-making processes relating to them.

Second, hearing children fulfils the *epistemic/educational* aim of deliberative democracy, which seeks to enhance civic knowledge and promote the (re-)engagement of citizens in democracy (especially in light of growing evidence of young people’s disillusionment with current democratic institutions, the shifting patterns of their political participation, and the global decline in formal and electoral political activities; Beauvais & Baechtiger 2016; Smith, 2010; van Deth, 2016). The educational aim is particularly suited for children: given their developmental capacity for learning, ‘early interventions’ that promote engagement can increase their current and future interest and involvement in political and policy discussions (Kulynych, 2001; Nishiyama, 2017).

Third, acknowledging that children’s experiences make them ‘experts’ on their own lives and uniquely positioned to comment on decision-making concerning them means that hearing children on such legislative and policy matters can enhance deliberation and generate *more informed decision-making* (Kulynych, 2001; Nishiyama, 2017; Nylund, 2020). Generational gaps and the constantly evolving concept of childhood also mean that hearing children cannot be a one-time initiative, but that it is necessary to speak with children periodically to understand their changing needs and interests (Kulynych, 2001; Nolan, 2011).

Fourth, participation in deliberative processes is arguably particularly important to children as they *lack any other political, legal, or (strategic) economic power*. Children are generally unenfranchised and excluded from political or law-making bodies, as a result of which their interests are not effectively represented (Nolan, 2011). Participation in deliberative processes is one of the only paths in which children can be heard and can impact legislation and policy-related decision-making that concern them.

One objection to including children in deliberative processes reflects *concerns regarding children’s capacities, knowledge, and skills* and whether children are ‘fit’ to effectively participate in and contribute to deliberative processes. Children lack autonomy, which is considered an ‘entrance ticket’ to democracy (Nishiyama, 2017, 3). They are often viewed as inherently immature and vulnerable, lacking a

capacity to seriously reflect on legal and social issues, form meaningful opinions, and adequately communicate them to others. As a result, they are not only considered to be incompetent at deliberation, but also at risk of manipulation and harm in the process (also Kulynych, 2001; Nishiyama, 2017). Yet, while children may merit different treatment than adults, calling for their complete exclusion from deliberative processes is paternalistic, excessive, and unjust. Moreover, as many adults also lack capacities and knowledge, singling children out as the only group requiring protection or adaptation in deliberations is also ‘problematic and naïve’ (Daly, 2016, 7; Tobin, 2015).

Another prevalent argument against including children in deliberations is related to the *concept of citizenship*. Some scholars uphold a ‘developmental’ approach to citizenship, noting that individuals must be autonomous and acquire skills before assuming the responsibility to participate in deliberations (Habermas, 1990), thereby excluding children. In recent decades, however, some scholars have called for a broader understanding of citizenship, also for children (Assim, 2019; Cockburn, 2010; Invernizzi & Williams, 2007; Kulynych, 2001; Nolan, 2011). Additionally, as some deliberative processes are open to (adult) non-citizens (e.g., asylum-seekers), there should also be a place in public decision-making for other classes of less than ‘fully’ autonomous citizens such as children.

Additionally, there are concerns *that involving children in deliberative processes is against their best interests* in the sense that it will not be interesting for them, that the exposure to ‘political responsibility’ is burdensome and stressful, and that negative experiences in deliberations (for example, inability to impact decision-making) could dishearten children and deter them from further engagement in adulthood. However, according to the CRC Committee (2013), the ‘best interests of the child’ principle should not be employed to justify decisions that deny children their rights, or represent ‘adult’ interests disguised as those of children. In fact, the growing engagement of children—particularly youth—in human rights and social and economic issues (CRC Committee, 2018; Daly, 2016) and their participation in deliberative and consultative forums (Inter-Parliamentary Union, 2021; Nishiyama, 2017) reflect the desire of many children globally to positively impact their societies and be involved in legislation and policies relating to their lives.

Therefore, we hold that concerns related to children’s capacities and safeguarding issues should be addressed in ways that ultimately enable their participation in deliberation and decision-making. One key proposal in that regard is instituting enclaved deliberations for children. Enclaved deliberations have been recognised as a useful tool for inclusion by providing disempowered and under-represented groups with a safe space to discuss issues among themselves, identify needs, form and express views, and develop recommendations for decision-making. As a result, such deliberations ensure that deliberative processes are more inclusive, empowering, and attentive to the voices of diverse social groups (Beauvais & Baechtiger 2016; Himmelroos et al., 2017; Karpowitz et al., 2009).

Enclaved deliberation may be particularly appropriate for children, by ensuring them a non-intimidating and safe environment in which they can express

themselves in their own words; contact with peers for support and discourse; a child-friendly communication format and facilitation style that supports learning and skill development; and, potentially, an opportunity to be involved in the design and operations of the deliberative process itself (Cockburn, 2010; Harris, 2021; Kulynych, 2001). Additionally, by empowering children and motivating action and advocacy in relation to their rights and shared interests (Karpowitz et al., 2009), enclaved deliberation can achieve important social and democratic goals.

Interestingly, children's deliberations are considered a unique case of enclaved deliberations, with arguably less risk of severe polarisation. Compared with other disempowered or under-represented groups, children are not a 'homogenous' or 'like-minded' group, but rather an age-based group, whose members share similar characteristics only in terms of their age, developmental needs, rights, and, to some extent, the social realities that relate to their age and legal standing. Accordingly, children's deliberation can support diverse and competing views and perspectives, with less risk of extreme polarisation, when discussing policy issues related to them (Himmelroos et al., 2017; Karpowitz et al., 2009; Strandberg et al., 2019; Sunstein, 2002). This understanding also implies that children's deliberations themselves may require additional layers of enclaved deliberations for children experiencing internal exclusion (Wojciechowska, 2019).

### **6.2.2 *A children's rights approach to including children in deliberative processes***

The CRC provides a comprehensive framework on the human rights of children and serves as the guiding legal instrument on all aspects relating to children's lives. It contains several provisions that are particularly relevant to the discussion on children's role in the public-political sphere, as well as in relation to deliberative democracy, and requires States-Parties to implement these rights in practice (CRC §4; on children's political rights and participation under the CRC, Zlotnik Raz & Almog, 2023). The CRC also reflects a new image of the child, portraying children as independent rights holders with valuable voices and evolving agency and capacities (Tobin, 2015). Thereby, it positions children as active right-bearing members (not merely future members) of their societies whose voices should be heard – a perspective that ties well to the discussion on children and deliberative democracy.

The most central right in the discussion on children and deliberation is the right to be heard, broadly conceptualised as the right of participation. It is a general principle of the CRC that confers to a child (or a group of children) who is capable of forming their own views the right to express those views freely in all matters affecting them, and requires that the child's views are given 'due weight' in accordance with the child's age and maturity (CRC §12; CRC Committee, 2003). Thus, the right to be heard includes an obligation both to hear children, both individually and collectively, and to ensure their views have an impact (albeit, not necessarily a decisive one) in decision-making relating to their lives (CRC Committee, 2009).

In its guidance, the CRC Committee has extensively developed the right to be heard, including in relation to children's participation in decision-making

processes, by linking this right to the principles of democracy and recognising that its implementation also calls for changes in the legal and social norms concerning children's role in the public sphere (CRC Committee, 2006). The CRC Committee has also consistently called for the inclusion of children in parliamentary and government decision-making processes including in relation to legislation, policy-making, developing national plans, and in monitoring and evaluating their implementation (CRC Committee, 2003, 2006, 2009, 2013). It particularly emphasised participation "as a means of political and civil engagement" for youth, holding that States-Parties should ensure "adolescents are involved in the development, implementation and monitoring of all relevant legislation, policies, services and programmes affecting their lives" (CRC Committee, 2016, para. 23–24), including at the national level, and that this is instrumental to the development of their active citizenship.

To implement the right to be heard, the CRC Committee has called on States-Parties to develop legal frameworks and specialised guidelines to enable children's meaningful participation (which should also be applicable to participation in deliberative processes) and establish consultative and deliberative mechanisms to that end (CRC Committee, 2003, 2006, 2009). Additionally, the CRC Committee has welcomed initiatives to engage children in decision-making processes (e.g., youth parliaments, children's councils; CRC Committee, 2009, 2013) and recognised that child-led organisations and initiatives 'offer valuable insight of the democratic process' (CRC Committee, 2006, para. 30). Acknowledging the importance of the digital environment for children's participation, the CRC Committee also called on States-Parties to actively use digital platforms to 'consult with children on relevant legislative, administrative and other measures' (CRC Committee, 2021, para. 18).

While the discussion on children and deliberative democracy from a children's rights perspective is by no means complete or fully developed, we hold that participation in deliberative processes on matters relating to their lives stems directly from children's right to be heard and that this right imposes clear obligations on States-Parties. In effect, the CRC and the work of the CRC Committee have elevated the discussion on child participation in deliberative processes to a *normative* level. Arguably, the guidance of the CRC Committee on this issue is even more expansive and rights-based than that of other human rights treaty bodies relating to (adult) citizen participation in deliberative democracy (e.g., CEDAW, 1997; United Nations Human Rights Committee, 1996). The guidance, then, not only affirms children's (particularly youth) participatory and discursive rights in relation to public decision-making, but also introduces a human rights dimension to their inclusion in deliberative processes.

### **6.2.3 Including children in constitution-making**

Public participation in constitution-making has developed significantly in recent decades as 'both a right and a necessity' (Hart, 2003, 12), with many countries employing diverse and innovative means and processes that support citizens' engagement with constitutional content (Hudson, 2021; Wheatley & Mendez, 2013).

Although, some form of public participation in constitution-making has become more common, children are seldom involved. The absence of children from constitution-making processes is especially problematic in light of the increasing number of countries that incorporate children's rights in their constitutions (Haugli et al., 2020; Tobin, 2005; UNICEF Innocenti, 2008; Woodhouse, 1999)—a trend that is strongly influenced by the CRC (CRC Committee, 2003; Hoffman & Stern, 2020; Lundy et al., 2013). The CRC Committee has not (yet) commented on children's participation in constitution-making, but it is evident that the right to be heard should be understood broadly, and requires that children should be heard 'wherever their perspective can enhance quality of solutions' (CRC Committee, 2009, para. 26–27), that is, also in constitutional or other high-level normative deliberations that concern children's lives.

Additionally, the considerations examined in relation to children's participation in legislation and policy-making deliberative processes are equally applicable to the discussion on children and constitution-making. Participation in the latter, however, also introduces unique benefits. Including children in constitution-making has significant symbolic and declarative value regarding children's role in present society and, even more so in the case of constitutional deliberation, in future society. As constitutions concern the establishment (or amending) of fundamental laws and institutions in government, human rights, and shared societal values, including children in deliberative constitution-making processes underscores their recognition as meaningful actors in the public sphere in the eyes of policy-makers, children themselves, and society as a whole.

Also, constitutional rights for children encompass diverse aspects of their lives, including care, protection, welfare, education, and juvenile justice (Tobin, 2005; UNICEF Innocenti, 2008) and subsequently shape related legislation, policies, and services. As a result, deliberation on the scope and content of constitutional provisions is highly consequential and relevant for children, and children's inclusion can result in stronger and more expansive constitutional children's rights (Woodhouse, 1999). The rarity of constitutional changes and deliberative processes regarding such changes (relative to legislation and policy changes) makes children's involvement all the more important, as the adopted constitutional text will not only impact their lives, but the lives of many future generations of children (Gosseries, 2008; Harris, 2021).

Children's inclusion in constitution-making entails unique challenges. Compared with legislation and policy-making, constitution-making processes can be more complex, requiring appropriate mechanisms, training, and child-friendly information on the meaning of constitutional provisions, their relationship with domestic law and jurisprudence, their enforcement and implementation, etc. Also, compared with legislation and policy-making, constitution-making processes can be substantially longer, protracted, and uncertain. Such processes are not always successful (Wheatley & Mendez, 2013). Even if they are, constitutional amendments often take a long time to be adopted, and longer to have a discernable impact on the lives of citizens, including children. The extended timeline of constitution-making must be reconciled with children's different perception of time (CRC Committee,

2013) and their need to experience a sense of accomplishment in a foreseeable time frame. Therefore, to avoid disappointment and alienation of children from engaging in future deliberative processes, children must be informed regarding the constitution-making process, including its scope, length, and limitations.

### **6.3 The inclusion of children in deliberations in Israel**

#### **6.3.1 *Children and deliberative democracy in Israel***

Public participation and democratic deliberation are newly evolving themes in the Israeli context. They first emerged in the early 2000s, with most of the progress occurring in the past decade, focusing on public participation in legislation and government policy-making and, to a more limited degree, constitution-making (Knesset Research and Information Centre [RIC], 2019; Zlotnik Raz & Almog, 2021). Including children in deliberation, however, remains under-developed. Currently, legally binding procedures for children's collective participation are limited to the local level, and to the field of education (Gertel, 2019; Knesset RIC, 2016), with no legislation anchoring children's participation in decision-making or deliberative processes at the national level. Initiatives to include children in legislation and policy-making in Israel are therefore voluntary and primarily led by civil society organisations (CSOs), with differing degrees of government involvement.

#### **6.3.2 *The selected cases: relevance and unique characteristics***

The two cases examined in this section are prominent examples of children's participation in high-level deliberative policy-making processes: the NCC Youth Parliament (NCCYP) Deliberation on Child Participation in Policy-Making and the Children's Meeting in the Inter-Sectoral Roundtable on Children and Youth during COVID-19 (IRTCY).

These examples are relevant and unique in three respects: First, they concern participation in important policy matters in Israel, with pertinent constitutional dimensions. Second, both cases concern deliberative processes for children (one independently, and the other part of a general deliberative process) and constitute a form of 'enclaved deliberation'. Third, both cases are recent (2020–2021), having taken place during the exceptional situation of the COVID-19 outbreak in Israel (the NCCYP was an established 'physical' programme adapted to the digital environment; the IRTCY was established specifically to address COVID-19's impact on children). COVID-19, and the restrictions adopted to mitigate the spread of the virus, impacted children significantly, globally and in Israel. Among others, it disrupted education, exacerbated socio-economic and digital divides, limited social interactions, and increased risk situations and mental health issues (Morag et al., 2021; Peleg et al., 2021). Furthermore, both examples tie to the broader discussion on the importance of and obligation to hearing children also, and especially during emergencies and crisis situations (CRC Committee, 2009). The Israeli cases stand out as relatively rare examples of children's deliberation during COVID-19, as



studies show that children's participation in decision-making during COVID-19 was lacking, and that children generally felt unheard and limited in their opportunities to participate (Ben-Arieh et al., 2020; Lundy et al., 2021; NCC, 2020)

### **6.3.3**     *The NCCYP case*

#### *6.3.3.1 Mechanism*

The NCCYP, first launched in 2018, is an annual programme designed to include children in policy-making and provide an opportunity for dialogue and deliberation between children and government, as well as other relevant stakeholders (CSOs, academia) on concrete, actionable issues concerning children's lives (Naamat & Zlotnik Raz, 2021). The programme was developed and is led by the NCC, an independent CSO working to ensure and safeguard the rights, welfare, and well-being of children in Israel (NCC, n.d.).

The NCCYP, which is held in the Negev region in Israel, is attended by ~100 children (aged 15–17) from Beer-Sheva and Rahat, representing many of the population groups in the Israeli society (gender, ethnicity, religiosity, etc.). Participants are divided into groups (25–30 children) that focus on different policy-related topics, which are selected on the basis of several criteria, including their relevance for children and whether they are currently (or plan to soon be) addressed and developed by government, which implies that hearing children could potentially have an impact on decision-making (Naamat & Zlotnik Raz, 2021).

For the sake of clarification, while youth parliaments vary in terms of their institutional design, aims, and impacts, the NCCYP is quite dissimilar from the common youth parliament model. The NCCYP's aim is to enable children's participation in specific policy issues through deliberative processes with policy-makers and relevant stakeholders. It does not replicate parliamentary procedures nor does it take place in parliament, it is not organised by government, and there is no selection process (participation is open to all interested students from the schools in the NCCYP programme; Matthieu et al., 2020; Patrikios & Shepard, 2014; Shepard & Patrikios, 2013).

One of the policy topics in the 2021 NCCYP was 'child participation in policy-making.' The children-participants discussed the importance, benefits, and challenges of children's involvement in democratic decision-making through participatory and deliberative processes, and proposed principles to ensure children's meaningful participation (Naamat & Zlotnik Raz, 2021). In their recommendations, the children-participants viewed participation as essential for children and called to establish inclusive mechanisms to hear children at the national level, especially on matters directly impacting them, recognising that implementation requires a 'brave vision' and an extensive multi-stage programme (Naamat & Zlotnik Raz, 2021). The NCCYP's transition from physical to online format due to COVID-19 also introduced new opportunities in the deliberations: Some children-participants felt more comfortable to express themselves; it facilitated simultaneous translations (Arabic–Hebrew); it included interactive instruments and polls to which children

could respond in their preferred language or anonymously. Consequently, children-participants overwhelmingly expressed a desire to have participatory and deliberative processes take place in a hybrid/blended model (Naamat & Zlotnik Raz, 2021).

The NCCYP culminated with a deliberative meeting of the children and relevant stakeholders working on the topic, in which children-participants shared their views and recommendations, received feedback, and asked and answered questions. The deliberative session on ‘child participation in policy-making’ included high-level policy-makers (from the Ministry of Justice, Ministry of Education, and Unit for Public Participation under the Prime Minister’s Office [PMO]), as well as relevant representatives from the municipal level and academia (5 in total; Naamat & Zlotnik Raz, 2021). Discussing the children-participants’ views, the (adult) experts acknowledged the importance of hearing children in policy-making through deliberative mechanisms, but held that children’s inclusion requires a gradual process, and that not all policy-related issues are suitable. Discussing the format, the children-participants held that deliberative processes should ideally enable children to ‘sit at the table’ with adults, deliberate together, and be included in general decision-making processes and forums (Naamat & Zlotnik Raz, 2021).

#### 6.3.3.2 *Impact*

The children-participants’ insights and recommendations were included in the NCCYP report, which was the main output of the project. It was disseminated to relevant stakeholders, including policy-makers in government ministries, Knesset committees and Members of Knesset, government agencies, representatives in local authorities, CSOs, and academics (notably, a draft of the report was sent to all child-participants for comments before publication). The NCC is also implementing the children’s recommendations in its on-going advocacy work regarding related policy themes (Israel National Council for the Child, 2021a). While the NCCYP report’s specific recommendations on ‘child participation in decision-making’ have yet to be incorporated into legislation or governmental guidelines/policies, this is not necessarily indicative of a lack of impact on policy-making, as its publication was recent, in November 2021, and it includes insights and recommendations, as opposed to ‘ready to use’ policy proposals.

The NCCYP’s impact is also tied to its operations, which provide a platform for children–government dialogue. Involvement in the NCCYP exposes policy-makers and other stakeholders to children’s views and potential contribution to deliberative processes. Following the 2020–2021 NCCYP, participating policy-makers conducted follow-up participatory initiatives with children to discuss further policy-making issues on two occasions (Naamat & Zlotnik Raz, 2021). Furthermore, several comments by children-participants during the deliberative sessions, which were quoted in the NCCYP report, indicated that the children felt their views were seriously considered by the adult stakeholders. For example, one participant (from Beer-Sheva) commented on the issue of children’s participation and held that ‘A population without rights will not be cooperative, or create a better future and society.’ Another participant (from Rahat) noted, ‘The fact that we can stand in

front of respected experts in the field and say what we think, give them answers, is very meaningful' (authors' translation; Naamat & Zlotnik Raz, 2021, 12). Additionally, after the conclusion of the NCCYP, an online survey was sent to all child-participants for their anonymous feedback. Overall, results were quite positive: 89.7% of respondents agreed or strongly agreed that the NCCYP encouraged them to be more involved in matters that are important to them, and 79.4% felt or strongly felt that their recommendations could impact policy-making. However, because the total response rate in the survey was low (~42% of all child-participants in the NCCYP programme; NCC, 2021b), additional qualitative data is required to better assess children-participants' views on the programme.

In summary, the NCCYP's output was broadly disseminated, and its sessions motivated additional participatory initiatives, further advancing children's participation in national decision-making. Still, as a programme, the NCCYP could benefit from additional follow-up measures to advocate for the implementation of children's recommendations on the deliberation themes and to collect additional qualitative data on children- and adult-participants' experiences. The NCCYP could also benefit from expanding as a national platform and increasing the number of children-participants to be more (geographically) representative while still ensuring effective participation.

### **6.3.4. The IRTCY case**

#### *6.3.4.1 Mechanism*

Following the COVID-19 outbreak in Israel, an Inter-Sectoral Roundtable was established under the PMO to discuss issues arising from the crisis (the Inter-Sectoral Roundtable is a national platform for on-going discourse between government, CSOs, and the business sector on forming and implementing large-scale policies: Israel Government Decision 3190, 2008; PMO, 2008). Designated roundtables focusing on specific themes and population groups were also established, including the Inter-Sectoral Roundtable on Children and Youth at Risk (IRTCY; Gold & Windman, 2020).

The IRTCY was established in March 2020 and is co-led by the Ministry of Justice and the NCC. Its aims were to identify the challenges arising from the COVID-19 crisis for children, particularly those at risk, to address the unique needs of children during the pandemic and post-pandemic return to (new) normalcy, and to devise relevant solutions from an inter-sectoral perspective (Gold & Windman, 2020). The IRTCY examined various issues related to children at risk during COVID-19, with many of its recommendations adopted in governmental COVID-19 emergency regulations (Gold & Windman, 2020). Due to the prolonged lockdown, the transition to online learning, and the emotional and mental health effects of these developments on children, the IRTCY recognised the need to broaden its focus from children and youth at risk to all children. Therefore, a general children's meeting was held, in which IRTCY members could consult with and hear children directly on the impact of COVID-19 on their lives, specifically

the effects of online learning on children's educational and emotional needs and well-being (IRTCY, 2021a).

This meeting took place in June 2021, consisting of a single two-hour online session. The 16 children-participants (aged 15–17) included 8 graduates of the NCCYP programme (see section 6.3.3) and 8 representatives of the National Student Council. To ensure a children-participant majority, the meeting included only four adults, who were key IRTCY members (both IRTCY co-leaders and representatives of the Ministry of Welfare and Social Affairs and the PMO). Additionally, as the group included Hebrew and Arabic speakers, both written and simultaneous translations were made available, and children could speak directly in their preferred language.

During the meeting, children stated that they and their peers experienced emotional distress (loneliness, anxiety, etc.), social difficulties, and problems related to access and quality of online education, which resulted in educational gaps and under-performance. In particular, the children-participants advocated a return to physical learning, and held that they felt unheard in decision-making, even though decisions related to education affected them directly. Children-participants stressed their desire to be heard in participatory and deliberative decision-making, with one participant holding that 'We [children – DZR] are here, we want to have an impact, we always have an opinion' (authors' translation; IRTCY, 2021a, 03:32).

#### 6.3.4.2 *Impact*

The children-participants' main insights and recommendations were incorporated into a video and into the IRTCY's written recommendations. Both outputs were presented to the Israeli Minister of Education, senior policy-makers at the Ministry of Education, and the Knesset Committee on Children's Rights, and the video was also made available online. Additionally, after the children's meeting, several children-participants were featured in a national news item and expressed their views on the plans to return to physical learning (Alon & Marciano, 2021).

While it is impossible to establish a clear causal relationship, many of the recommendations of the Children's Meeting were actually reflected in the Ministry of Education's plans for the following school year, including emphasis on maintaining physical learning (even during new 'pandemic waves') and ensuring the availability of emotional and social support in schools (Ministry of Education, 2021; IRTCY, 2021b). It is unclear at this time if and to what extent the IRTCY's work will influence the inclusion of children in deliberative decision-making during future states of emergency and crisis. However, in light of the IRTCY's overall impact during COVID-19, its decision to initiate a children's meeting is significant and potentially set a standard for future (COVID-19 and other) decision-making forums in emergency situations, particularly regarding policy issues that directly impact children, such as education. The IRTCY did not include a participant survey of child or adult deliberators, making it difficult to assess its impact on participants.

In summary, the IRTCY output was presented to high-level stakeholders, and subsequent national educational policies were aligned with the main views reflected in the IRTCY recommendations. However, the IRTCY could have benefited from

additional qualitative data on child- and adult-participants' experiences. Also, for future similar meetings, it would be beneficial to employ academic or professional evaluations to review the process and its outcomes, in order to inform prospective government actions for hearing children during times of emergency and crisis.

### **6.3.5 Analysis**

The Israeli cases offer several insights into child participation in deliberation. Both cases reflect *CSO-government collaboration* (the IRTCY is co-led by a CSO and the government; the NCCYP is CSO-led but includes government stakeholders in deliberation). While organisation by government or other official stakeholders may enhance the standing and influence of deliberation, CSO involvement, in particular, the involvement of children's rights CSOs, has special importance: Such CSOs are more likely to advocate for including children in deliberations and to promote their inclusion as a children's rights issue; their involvement enables better and more inclusive outreach to children; and they can provide child-centred facilitation, training, and support (CRC Committee, 2005, 2009).

Also, notwithstanding the importance of face-to-face communication for children, the cases illustrate some *benefits of incorporating online deliberation* (e.g., real-time language translation, use of digital participation methods such as polls into deliberations). Conducting online deliberations (exclusively digital or in hybrid/blended form) also ties to the recognition of children as digital natives and to their digital literacy and participation in the digital environment (Livingstone et al., 2019; Livingstone & Bulger, 2014). The growing use of online deliberation since COVID-19, which will likely continue to expand, calls for closer attention to the particular advantages, challenges, and adaptations required for children's meaningful participation online.

Finally, to further examine the significant impact already evident in these cases, we believe that a *holistic, multi-layered view* is necessary. Such a view should also take into account the themes and targets for deliberation, the qualitative means used to assess child- and adult-participants' experiences, the mechanism's operations and inclusivity, implementation of children's views in policy-making, and indicators to periodically assess changes in the legal realities of children in the public-political sphere (e.g., Was child participation in decision-making anchored in legislation or national policies? Have existing deliberative processes been adapted to children, or have new mechanisms been adopted by government?). Developing such evaluation criteria for evaluating physical and online processes and implementing them in the unique Israeli context can enable better assessment of children's deliberations, identifying what works and what challenges persist.

## **6.4 Conclusion**

We argued that the inclusion of children in constitution-making, legislation, and national policy-related decision-making derives from both a deliberative democratic approach and a children's rights approach. Specifically, we suggested that the CRC,

and the CRC Committee, elevated the discussion on including children in deliberation to a normative level by imposing obligations on States-Parties to ensure that children are heard, both as individuals and collectively, in matters relating to their lives.

From a democratic perspective, the justifications for including children in deliberations outweigh the objections and valid concerns. This position is reinforced by the children's rights discourse, particularly the development of the child's right to be heard in the CRC also in the public-political sphere and in decision-making processes. The current situation, in which children are largely under-represented, even excluded, from such decision-making, violates children's discursive and participatory rights (namely, the right to be heard) and is untenable from a CRC perspective. Children's exclusion also carries democratic implications for both the particular policy decision (as deliberation will lack the views, needs, and perspectives of the children affected), and, more generally, for the democratic 'credentials' of deliberative processes, inclusion, and the role of children in democratic decision-making.

Indeed, adopting a children's rights-based perspective on children's role in deliberative democracy is not limited to children's inclusion in deliberations. Special considerations and concerns exist with respect to children as deliberators, including their protection, training (for children and adult-participants), age-appropriate information, guidance, and facilitation, and required adaptations to deliberation online. These issues warrant additional focus and development, in both theory and practice, taking into account that efforts to address and mitigate these concerns must be consistent with children's right to be heard in constitution-making, legislation, and policy-making concerning them.

Establishing enclaved deliberations for children is one feasible option for exercising children's right to be heard. We examined two interesting cases of enclaved deliberations from Israel, identifying key points of interests in relation to the importance of CSO involvement, the suitability of (non-exclusive) online deliberations for children, and the importance of assessing impact from a holistic, multi-layered perspective. The cases are examples of innovative participation of children in decision-making. Both promoted child-government dialogue, produced strong and well-disseminated outputs, and show promise as scalable models. Analysis of the cases was based primarily on official reports and outputs of deliberative sessions. Both cases could have benefitted from additional qualitative data. Despite these limitations, focusing on the cases adds to the budding and under-explored discussion on deliberative democracy in Israel, in routine and in crisis situations.

In conclusion, recognising that the CRC establishes a human rights imperative to including children in deliberation, we propose to link this rights-based discourse to the evolving discussion on children and deliberative democracy. In particular, we hold that including children in deliberations is not limited to day-to-day 'childhood' decision-making, but is equally applicable to constitution-making, legislation, and policy-making on issues related to their lives. The inclusion of children in high-level deliberation is essential both for children and for society. Childhood that benefits from structured deliberation can produce more strongly engaged adult citizens who, hopefully, develop a deep commitment to democratic processes and to the inclusion of future children in deliberation relating to their lives.

## 6.5 Declaration of interests

Shulamit Almog – None.

Daniella Zlotnik Raz: Zlotnik Raz is currently (2023) employed at the NCC as the Deputy Legal Adviser. In this capacity, she worked on the NCCYP programme and co-wrote its reports. She was not involved in the IRTCY programme. This chapter is written as part of her PhD research and was not supported in any way by the NCC.

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