Series: The Person in Five Circles

# When the Child Speaks: The Right to Be Heard and Taken Seriously

Dr. Salem Abdullah Al Nuaimi — Author | salemalnuaimi.ae | November 2026

## Introduction

We often speak about children's rights to protection, education and health care, and rightly so. One right gets far less attention in everyday conversation, even though it is one of the four principles on which the whole Convention on the Rights of the Child rests: the child's right to express views on matters that affect them, and to have those views taken seriously. This article does not list children's rights. It focuses on this one right: what it means, what it does not mean, and how it works at home, at school, in the clinic and in legal proceedings.

## What Article 12 says

Article 12 of the UN Convention on the Rights of the Child (1989), to which the UAE acceded in 1997, requires States Parties to assure to a child who is capable of forming their own views the right to express those views freely in all matters affecting them, with due weight given in accordance with the child's age and maturity. Its second paragraph adds that the child shall be given the opportunity to be heard in any judicial or administrative proceedings affecting them, either directly or through a representative or an appropriate body.

The UN Committee on the Rights of the Child treats this article as one of the Convention's four general principles, alongside non-discrimination (Art. 2), the best interests of the child (Art. 3) and the right to life, survival and development (Art. 6). The Committee set out the content of the right in detail in General Comment No. 12 (2009).

## What the right does not mean

Misunderstandings lead many people to reject the idea altogether. The right to be heard:

- **does not mean the child decides alone:** the decision stays with those who bear responsibility, but the child's view is weighed according to age and maturity;

- **has no fixed minimum age:** the Convention sets none, and the Committee notes that young children also communicate through play, drawing and body language;
- **does not conflict with the child's best interests:** it is a route to them, because a child's interests cannot be judged soundly without knowing how the child sees the situation;
- **is not a duty:** a child may speak, and may also choose not to;
- **does not displace parents:** Article 5 of the Convention recognises parents' rights and duties to provide direction and guidance in a manner consistent with the child's evolving capacities. Listening is part of that guidance, not a substitute for it.

## The same right in UAE law

The Child Rights Law (Wadeema), Federal Law No. 3 of 2016, brought this principle into national legislation. Article 12 provides for the child's right to express views freely according to age and maturity, in line with public order, public morals and applicable laws, and to be given the opportunity to express views on matters concerning them. The law also provides for involving children in community life according to their age and abilities.

## The child's voice as a route to their best interests

Article 3 of the Convention makes the best interests of the child a primary consideration in all actions concerning children. In General Comment No. 14 (2013), the Committee on the Rights of the Child explained that the principle has three dimensions: a **substantive right** of the child to have their interests assessed and given priority when different interests are weighed; an **interpretative principle**, so that where a provision is open to more than one reading, the one that best serves the child is chosen; and a **rule of procedure**, requiring decision-makers to show the likely impact of a decision on the child and how the child's interests were weighed.

This is where the two principles meet: a child's best interests cannot be judged soundly without knowing how the child sees the situation. The same holds online. General Comment No. 25 (2021) affirms that children's rights, including the right to be heard, apply in the digital environment as they do offline. Talking with a child about the apps they use and the risks they meet achieves more than bans and monitoring alone.

## Three everyday situations

**At home:** a family is considering moving their twelve-year-old son to a new school. Listening here does not mean asking "Do you want to?" and moving on. It means explaining the reasons, hearing his worries about friends and subjects, then telling him the decision and how his concerns were taken into account.

**At the clinic:** an eight-year-old girl needs a medical procedure. Legal consent belongs to her guardian, but explaining what will happen in words she understands, and asking what frightens her, eases her anxiety and makes her a participant in her care rather than its object.

**In judicial and administrative proceedings:** when an authority considers a matter affecting a child, such as custody or alternative care, Article 12(2) calls for the child to be heard in a way suited to their age, directly or through a specialist, in a setting that respects their privacy and never forces them to choose between parents.

## Steps for genuine listening

General Comment No. 12 outlines a practical sequence that works for parents, teachers and professionals alike:

1. **Preparation:** the child knows they may speak, what the subject is and how their view will be used.
2. **The hearing:** a comfortable setting and suitable language, with no interrogation or pressure.
3. **Assessing capacity:** weighing the view by the child's actual maturity, not age on paper alone.
4. **Feedback:** the child learns what was decided, why, and how their view counted.
5. **A way to complain:** the child knows where to turn if they feel unheard.

## Conclusion

A child who is listened to learns that their voice has value, and learns in turn to listen to others and to speak without fear or stubbornness. Listening does not give up parental authority; it exercises that authority more wisely. The law has settled the principle. Applying it starts with a simple question we ask our children and then genuinely wait to hear answered: "What do you think?"

## Sources

1. UN Convention on the Rights of the Child, 1989, Articles 2, 3, 5, 6 and 12.
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4. Committee on the Rights of the Child, General Comment No. 25 (2021) on children's rights in relation to the digital environment, CRC/C/GC/25.
5. Federal Law No. 3 of 2016 on Child Rights (Wadeema) and its Executive Regulations (Cabinet Resolution No. 52 of 2018).

6. UAE Government Portal: Children's rights.
7. OHCHR treaty ratification database (UAE accession to the CRC, 1997).

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