

CHILDREN'S PARTICIPATION MONITOR

ANALYSIS OF HOW CHILDREN'S PARTICIPATION WAS ADDRESSED BY THE UN COMMITTEE ON THE RIGHTS OF THE CHILD DURING ITS 75TH SESSION

(15 MAY-2 JUNE 2017)

1. CHILDREN'S PARTICIPATION IN THE DIALOGUE AND THE CONCLUDING OBSERVATIONS

During the 75th session, the UN Committee on the Rights of the Child (Committee) reviewed the following States: **Antigua and Barbuda, Bhutan, Cameroon, Lebanon, Mongolia, Qatar, Romania and United States of America**. The table below includes 2 sections that highlight 1) how the Committee has brought up the issue of children's participation with the abovementioned States and 2) what it has recommended as necessary actions to be undertaken. The first section compiles the specific questions and comments on children's participation that were made by the Committee to the State delegations during the constructive dialogues (list of Committee members [here](#)); the second section includes the references to children's participation that can be found in the Concluding Observations (Cobs). Webcast of the dialogues and Cobs can be found [here](#).

State	Committee's comments and questions during the dialogue ¹	Reference to children's participation in the Cobs	
		As a general principle, respect for the views of the child	Other clusters
Antigua and Barbuda (CRC)	<p>Velina Todorova (Bulgaria):</p> <ul style="list-style-type: none"> Regarding Art.12 of the CRC, are judges willing to hear children in person or by other means? <p>Gehad Madi (Egypt):</p> <ul style="list-style-type: none"> Referring to Art.12 of the CRC, he stressed that a judge should solicit the child's view if he/she expresses his/her wish to speak. This is a basic principle. 	<p>The Committee welcomed the establishment of the student councils and the youth parliament. However, it raised its concerns about the limited recognition in the legislation of the right of the child to be heard and the lack of mechanisms promoting it. In addition, the Committee pointed out that children in marginalized situations (children with disabilities or in administrative care) were not consulted in matters affecting them.</p>	<p>a) General measures of implementation:</p> <p>i. Dissemination, awareness-raising and training: "<i>Ensure the participation of children in the dissemination of information on their rights</i>".</p> <p>b) Disability, basic health and welfare:</p>

¹ This is a list of questions raised by the Committee members based on the internal notes taken by Child Rights Connect. Some questions might not have been captured.

		<p>The Committee referred to its General Comment No 12 and recommended the State to:</p> <ul style="list-style-type: none"> • Ensure that children’s views are given due weight in all settings (home, schools, administrative and judicial procedures, etc.); • Disseminate the CRC, including child-friendly versions; • Create spaces for children to effectively influence public policy, including a staffed, financed and trained youth parliament. 	<p>ii. Impact of climate change on the rights of the child: <i>“Ensure that the special vulnerabilities and needs of children, as well as their views, are considered in developing policies and programmes addressing climate, environmental change and disaster risk management”</i>.</p>
CRC			
<p><i>Bhutan</i> (CRC – OPAC - OPSC)</p>	<p><u>Mikiko Otani (Japan):</u></p> <ul style="list-style-type: none"> • Please provide more information on how you include children’s participation in policy development. • How are the members of the children’s parliament elected? • How do you apply the right to be heard in legal procedures? • Can girls participate in decision-making and training when it comes to programs addressing girls’ school dropout rates? • In relation to the marriage act, can children under the age of 9 decide about parental custody? Has the court the final say even if the child expressed his/her views? <p><u>Hynd Ayoubi (Morocco):</u></p> <ul style="list-style-type: none"> • Was there any participation of children in the elaboration of the State reports? <p><u>Cephas Lumina (Zambia):</u></p>	<p>The Committee welcomed the efforts to promote children’s participation, including the creation of the Bhutan Children’s Parliament.</p> <p>The Committee referred to its General Comment No 12 and recommended the State to:</p> <ul style="list-style-type: none"> • Ensure all children are involved in child participation activities, especially girls, children with disabilities, children from remote areas, children out of school and children from all ethnicities. • Provide training to personnel working with/for children (law enforcement personnel, judiciary staff and social workers) on the right of children to be heard. 	<p>a) Disability, basic health and welfare:</p> <p>i. Children with disabilities: <i>“Develop and implement a comprehensive strategy on the rights of children with disabilities, with their full and meaningful participation”</i></p> <p>ii. Adolescent health: adolescent’s views <i>“should always be heard and given due consideration in abortion decisions”</i></p> <p>iii. Impact of climate change on the rights of the child: The State should ensure that children’s special vulnerabilities and views are “taken into account when developing policies and programmes” addressing this issue.</p> <p>b) Special protection measures:</p>

	<ul style="list-style-type: none"> In relation to abortion, are the views of the child taken into consideration? <p>Luis Pedernera (Uruguay):</p> <ul style="list-style-type: none"> Please provide more information about the legislative framework ensuring children’s participation. What measures have been taken to ensure that children express themselves and that their opinions are given due weight? 		<p>i. Economic exploitation, including child labour and sexual exploitation: programmes for families with social and economic difficulties “<i>should be developed with the meaningful participation of children</i>”</p>
OPAC & OPSC			
	<p>The Committee did not mention children’s participation during the constructive dialogue.</p>	<p>N/A</p>	<p>The Committee did not refer to children’s participation in its Cobs on OPAC and OPSC.</p>
<p>Cameroon (CRC)</p>	<p>Jose Angel Rodriguez Reyes (Venezuela):</p> <ul style="list-style-type: none"> In the previous Cobs, the Committee suggested to give an appropriate budget to the children’s parliament. What progress has been made on these fronts? 	<p>The Committee referred to its General Comment No 12 to welcome the children’s parliament regular organisation. It encouraged the State to adopt national legislation to reinforce the parliament by allocating appropriate budget and staff to ensure children’s effective engagement.</p>	<p>a) Disability, basic health and welfare:</p> <p>i. Adolescent health: ensure that girl’s “views are always heard and given due consideration in <i>abortion decisions</i>”</p> <p>b) Special protection measures</p> <p>ii. Children belonging to minority or indigenous groups: The State should “<i>protect and promote the rights of indigenous children, and to eliminate their food insecurity, poverty and vulnerabilities to violence and exploitation, with their full and effective participation</i>”</p>

<p>Lebanon (CRC)</p>	<p>Hatem Kotrane (Tunisia):</p> <ul style="list-style-type: none"> • In regards to child participation, it is essential that children are heard when it comes to judicial proceedings. Please provide more information on how Art.12 is applied. • On its final remarks, Mr. Kotrane encouraged the State to reinforce child participation mechanisms. <p>Hynd Ayoubi (Morocco):</p> <ul style="list-style-type: none"> • It is important to take children's views into account when designing policies for rehabilitation and detox centres from alcohol and drugs. 	<p>The Committee noted the initiatives undertaken by the High Council for Childhood, including the establishment of the National Youth Parliament.</p> <p>The Committee referred to its General Comment No 12 and recommended the State to:</p> <ul style="list-style-type: none"> • Ensure the effective implementation recognizing the right to be heard in legal and administrative procedures, including by establishing mechanisms for social workers to comply with this principle. • Identify the issues that are most important to children through research, including how their views are effectively considered in family decisions affecting them. • Develop toolkits for public consultation on national policy development, including children. • Conduct programmes and awareness-raising activities promoting meaningful and empowered participation of all children within the family, community and schools. Attention must be given to girls and children in vulnerable situations. • Provide adequate resources and support to the Lebanese National Youth Parliament. In addition, this Parliament should promote inclusive participation to ensure that all children can participate, with no discrimination. 	<p>a) Disability, basic health and welfare:</p> <p>i. Adolescent health: <i>“the Committee recommends that the State party undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of adolescents, as a basis for future health policies and programmes”</i></p> <p>b) Education, leisure and cultural activities</p> <p>i. Education, including vocational training and guidance: <i>“Update the school curricula, ensuring that it is broad, relevant and inclusive, develops rights-based learning and assessment and ensures children’s participation”</i></p>
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<p>Mongolia (CRC)</p>	<p><u>Gehad Mahdi (Egypt):</u></p> <ul style="list-style-type: none"> • As of now, what is the impact of the 2011 strategy promote child participation? • It seems that the right to be heard is insufficiently enforced in practice. Children are complaining that their views are not being taken seriously. What measures have been taken? <p><u>Luis Pedernera (Uruguay):</u></p> <ul style="list-style-type: none"> • In relation to freedom of expression and the right to information, what system is in place to ensure children’s participation? How children can express their opinions? • In regards to the right to information, please provide more information on policies underway to reduce the difference on access to information by children between low income and middle income, and the ones with visual and auditory disabilities <p><u>Kirsten Sandberg (Norway):</u></p> <ul style="list-style-type: none"> • Regarding sexual health and reproductive rights, there is a high number of teenage pregnancies. Are you reintroducing adolescents’ participation in the development of training courses and policies to address this issue? • What measures have been taken to improve and ensure children’s voices are heard in schools? 	<p>The Committee recalled its previous recommendation on the right to be heard and its General Comment No 12 and recommended the State to:</p> <ul style="list-style-type: none"> • Effectively implement the “Strategy to promote child participation” and the Law on Child Protection to enable children to express their views. The State should also ensure that children’s views are given due consideration throughout the decision-making process on issues affecting them. • Ensure the effective implementation recognizing the right to be heard in legal and administrative procedures, including by establishing mechanisms for social workers to comply with this principle. • Conduct programmes and awareness-raising activities promoting meaningful and empowered participation of all children within the family, community and schools. Attention must be given to girls and children in vulnerable situations. 	<p>a) General measures of implementation:</p> <p>i. Allocation of resources: The State should <i>“Ensure transparent and participatory budgeting through public dialogue, especially with children, and for proper accountability of public officials”</i>.</p> <p>b) Disability, basic health and welfare:</p> <p>ii. Adolescent health: The State should <i>“reintroduce sexual and reproductive health as a separate class, involving adolescents in the development of its content”</i></p>
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<p style="text-align: center;">Qatar (CRC)</p>	<p><u>Bernard Gastaud (Monaco):</u></p> <ul style="list-style-type: none"> Is there any law ensuring child participation in all the matters concerning them? <p><u>Jorge Cardona (Spain)</u></p> <ul style="list-style-type: none"> Are children with disabilities heard? <p><u>Olga Khazova (Russia)</u></p> <ul style="list-style-type: none"> In relation to adoption and the kafala system, how do you decide who will be a kafala parent for a child? Is there a judge involved? Does the child's opinion matter? Is it possible for the child to be in contact with the biological parents is that what he/she wants? <p><u>Luis Pedernera (Uruguay)</u></p> <ul style="list-style-type: none"> How children are involved in human rights associations in schools? What power do they have? 	<p>The Committee referred to its General Comment No 12 and recommended the State to:</p> <ul style="list-style-type: none"> Strengthen efforts to inform all children about their rights and allow them to express their views to facilitate informed decision-making. Ensure that children's views are given due weight in all judicial and administrative procedures, as in their homes. The State should adopt appropriate legislation, develop operational protocols and ensure that parents and professionals working with/for children are trained on this right. 	<p>a) Family environment and alternative care</p> <p>i. Family environment: The State should <i>“ensure that the opportunity of the child to express his or her opinion with regard to custody after divorce should be considered as a right and not an obligation”</i></p> <p>b) Disability, basic health and welfare:</p> <p>ii. Adolescent health: <i>“Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process”.</i></p>
<p style="text-align: center;">Romania (CRC)</p>	<p><u>Jose Angel Rodriguez Reyes (Venezuela):</u></p> <ul style="list-style-type: none"> How do you incorporate children's opinions and views into public policy? Regarding religion, can children freely express their opinion? In legal and administrative procedures, are the children's voices heard? Are there appropriate mechanisms and spaces enabling children to participate? What measures do you take to train judges and administrative staff working with/for children on this topic? 	<p>The Committee referred to its General Comment No 12 and recommended the State to:</p> <ul style="list-style-type: none"> Ensure that children's views are given due weight in the family, at schools and in all administrative and judicial procedures. The State should inter alia adopt appropriate legislation, ensure the training of professionals working for/with children, foster children's participation activities at school and carry out awareness raising activities. 	<p>a) Special protection measures</p> <p>i. Asylum-seeking and refugee children: The State should <i>“Clarify existing legislation and administrative policies to ensure that adequate alternative care arrangements are available for asylum-seeking and refugee children, which consider the views and best interests of the child”</i></p>

		<ul style="list-style-type: none"> • Provide additional support to the National Students Council to increase its capacity at local, county and national levels. 	
<i>United States of America (OPSC and OPAC)</i>	OPSC		
	The Committee did not mention children’s participation during the constructive dialogue.	N/A	<p>a) General measures of implementation</p> <p>i. Dissemination, awareness-raising: <i>“Intensify and promote awareness among the public at large of the need to prevent and combat crimes under the Optional Protocol, focusing on children who are particularly at risk of becoming victims and their parents, and encouraging the participation of the community, in particular that of children including child victims of both sexes”</i></p>
	OPAC		
	The Committee did not mention children’s participation during the constructive dialogue.	N/A	The Committee did not refer to children’s participation in its Cobs on OPAC.

2. ANALYSIS

The Committee continued to raise questions and issue recommendations on children's participation within the cluster General Principles, under Respect of the views of the child (Art. 12). The questions raised by the Committee members during the dialogues were very specific and concrete, and the Cobs of Bhutan, Lebanon and Mongolia were particularly elaborated on the topic.

In the Concluding Observations, the Committee integrated children's participation into other clusters for all the 8 States reviewed. During the 74th session, this was done for 5 out of the 8 States reviewed. For the 75th session, children's participation was referred to in the sections related to:

- dissemination and awareness-raising,
- budget allocation,
- climate change,
- family environment,
- adolescents' health,
- children with disabilities,
- economic and sexual exploitation,
- children belonging to minority groups,
- education.

The subtopic in which more reference was made to the "respect of the views of children" was adolescents' health, specifically in regards to abortion decisions.

Children's participation in budget allocation was only mentioned in the Cobs of 1 State (Mongolia), in comparison to the 74th session, in which children's engagement in the budgeting process was integrated in the Cobs of 4 out of the 8 States reviewed.

While during the dialogues with the States the Committee asked about children's participation in relation to the freedoms (of expression, thought, conscience and, religion, association and peacefully assembly) the Cobs did not specifically mention children's participation in the related cluster. The freedom of assembly was rather integrated into the general principles cluster with recommendations on students' councils and children's parliaments.

It is interesting to note the Committee's efforts to refer to the most vulnerable children throughout the children's participation related recommendations, such as children from minority groups, children with disabilities, adolescents, and girls.

Finally, as it was the case for the 74th session, none of the Cobs that included urgent issues (Bhutan, Cameroon, Lebanon, Mongolia, Qatar and Romania) identified children's participation as one of the subjects requiring the State to adopt urgent measures, even though during the dialogues with Bhutan and Mongolia children's participation was one of the topics that was raised the most.