

CHILDREN'S PARTICIPATION MONITOR

ANALYSIS OF HOW CHILDREN'S PARTICIPATION WAS ADDRESSED BY THE UN COMMITTEE ON THE RIGHTS OF THE CHILD DURING ITS 77TH SESSION

(15 JANUARY-2 FEBRUARY 2018)

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

During the 77th session, the UN Committee on the Rights of the Child (Committee) reviewed the following States: **Sri Lanka, Guatemala, Panama, Seychelles, Spain, , Solomon Islands, Palau and Marshall Islands**. 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](#).

Country	Committee comments and questions during the dialogue ¹	Reference to children's participation in the Cob's	
		As a general principle / Respect for the views of the child	Other clusters
<i>Sri Lanka</i>	<p><u>Mikiko Otani (Japan):</u></p> <ul style="list-style-type: none"> ✓ What is the participation of the children in the reconciliation process? ✓ Can you elaborate on the programmes that involve children in peacebuilding and reconciliation? ✓ In regards to student councils, what is their mandate? How do you ensure that children's views are considered within schools? 	<p>The Committee notes with concern that the right to be heard is insufficiently implemented and recommends that the State include the right to be heard in all relevant legislation, through training of relevant professionals and awareness-raising measures to ensure implementation in all settings.</p>	<p>The Committee refers to child participation in the recommending on:</p> <p>a) Corporal Punishment: "ensure children's involvement in the design of prevention strategies".</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><i>Guatemala</i></p>	<p>Amal Aldoseri (Bahrein): ✓ Children have reported to feel like they are not heard at home and have no spaces for participation</p>	<p>The Committee recommends the State ensures child participation is more than symbolic and taken into consideration in national and local decision making mechanisms in all settings and situations, and implement awareness raising activities, including campaigns.</p>	<p>The Committee refers to child participation under General Measures of Implementation recommending:</p> <p>a) Comprehensive policy and strategy: “State party provides for appropriate consultation and participation of child-led organizations”.</p>
<p><i>Panama</i></p>	<p>Jorge Cardona-Llorens (Spain): ✓ Until the bills that allow for child participation are approved, are children not heard? ✓ Do children participate in administrative procedures which concern them?</p>	<p>The Committee welcomes the steps being taken by the State in regards to the right to be heard but raises its concerns about the need to strengthen efforts to include children in decisions concerning them, grant adequate support to all municipalities to establish councils of children and adolescents, ensure that they are able to be consulted; institutionalise the Children’s Parliament as a regular event with full inclusivity of minorities; conduct research to determine the effect of the opinions of children within the family; develop toolkits for regular public consultations to standardise high level inclusiveness; establish procedures for social workers and courts to comply with the principle; and conduct programmes and awareness raising activities to promote child empowerment.</p>	<p>The Committee referred to the importance of child participation in:</p> <p>a) Adolescent health: “ensure that their views are always heard and given due consideration in abortion-related decisions”;</p> <p>b) Allocation of resources: “guaranteeing transparent and participatory budgeting, especially including children”;</p> <p>c) Non-discrimination: “campaigns designed with the full participation of adolescents”;</p> <p>d) Education: “Further strengthen and allocate adequate resources to the Bilingual Intercultural Educational Programme and the My School First programme to improve participation of indigenous children in education”;</p> <p>e) Migrant, asylum-seeking and refugee children: “ensure the effective participation of migrant, asylum-seeking and refugee children in all decisions that concern them”;</p>

			<p>f) Children belonging to minorities and indigenous children: “Develop a national action plan for and with the full and effective participation of indigenous, afro-Panamanian and rural children”.</p>
Seychelles	<p><u>Hynd Ayoubi Idrissi (Morocco):</u></p> <ul style="list-style-type: none"> ✓ Are there programmes to prepare adults to listen to the child? ✓ Are there places where the views of the child are heard? ✓ The biggest problem is that children feel they are not heard at home within the family ✓ Do you have a confidential and child friendly report system for abuse where the child can be heard? 	<p>The Committee recommends that the State continues to strengthen its efforts to ensure children’s views are given due consideration in the family and at home, at courts, in schools and in all administrative proceedings and all other proceedings concerning them, inter alia, adoption of proper legislation, the training of professionals and the establishment of specific activities</p>	<p>a) Allocation of resources: “Ensure transparent and participatory budgeting through public dialogue, especially with children, and for proper accountability of local authorities”.</p>
Spain	<p><u>Hatem Kotrane (Tunisia):</u></p> <ul style="list-style-type: none"> ✓ What is the number of participatory councils in the country? ✓ What is the budget to ensure child participation? ✓ Will there be a reform to give children participation a binding nature? ✓ What methodologies are included to ensure the right to participation? ✓ Children are rarely heard and have an impact 	<p>The Committee welcomes the progress made by the State and recommends it harmonises the relevant laws to ensure the respect for a child below 12 years old to be heard; train professionals who work with children; ensure effective and systematic implementation of the right of the child to be heard; conduct research to identify the issues of most importance to children, conduct programmes and awareness raising campaigns; and strengthen student councils at schools and children’s councils at all levels and with meaningful engagement.</p>	<p>a) Harmful practices: “The Committee recommends that the State party prohibit unnecessary medical or surgical treatment from being performed on intersex children, when those procedures entail a risk of harm and can be safely deferred until the child can actively participate in decision-making”.</p>

<p><i>Solomon Islands</i></p>	<p><u>Mikiko Otani (Japan):</u></p> <ul style="list-style-type: none"> ✓ Is there respect for the views of the child in the Welfare Act? ✓ What efforts have you made to make the right to be heard to be known and practiced in real life? ✓ The children did not participate in the state report. ✓ Do schools ask children to be involved? 	<p>The Committee welcomes the legislative and policy progress made by the State and recommends it ensures that children’s views are given due consideration in the family, community, at schools and all relevant administrative and judicial proceedings concerning them; take steps towards awareness raising at the national and community levels on the participation of children in matters that affect them and throughout the training of professionals.</p>	<p>The Committee referred to the importance of child participation in:</p> <p>a) Adolescent Health: “Decriminalize abortion in all cases and ensure access to safe abortion and post-abortion care services, irrespective of whether abortion is legal or not, and ensure that the views of the girl are always heard and respected in abortion decisions”.</p>
<p><i>Palau</i></p>	<p><u>Renate Winter (Austria)</u></p> <ul style="list-style-type: none"> ✓ Are there plans to raise the non-existing awareness of children’s rights and improve participation? ✓ What is the impact of the private sector on the promotion on the rights of the child? ✓ Are there awareness methods for ensuring the view of the child is respected? 	<p>The Committee welcomes the progress made in this area and recommends that the State Party continues its support for the Palau Congressional Youth Congress by increasing its legitimacy and effectiveness and providing it with the necessary resources; give due consideration to the views of children and strengthen structures for their participation, especially at the community level, within the family, the schools and relating to judicial and administrative procedures; develop mechanisms for the systematic participation of children in the development and implementation of laws, policies and programmes.</p>	<p>The Committee also referred to the importance of child participation in the following topics:</p> <p>a) Children deprived of a family environment: “Establish quality standards for all available forms of alternative care and take children ’ s views into consideration when making any decisions about alternative care”;</p> <p>b) Adolescent health: “If it has not already done so, 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”;</p> <p>c) Impact of climate change on the rights of the child: “Develop a comprehensive disaster-sensitive social protection system, ensuring that the special vulnerabilities and needs of children, as well as their views, are taken into account”.</p>

<p><i>Marshall Islands</i></p>	<p><u>Mikiko Otani (Japan):</u> ✓ Do children have the opportunity to participate in decision-making processes concerning them?</p>	<p>The Committee welcomes the progress made by the State party and recommends that it effectively implements relevant legislation recognising the right of the child to be heard in judicial and administrative proceedings, which should include the establishment of systems and/or procedures for social workers and courts to comply with this principle; conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, schools and the community, paying special attention to girls and children in vulnerable situations.</p>	<p>The Committee also referred to the importance of child participation in the following topics:</p> <p>a) Children deprived of a family environment: “Establish quality standards for all available forms of alternative care and take children’s views into consideration in any decision made about alternative care”;</p> <p>b) Adolescent health: ”Decriminalize abortion in all cases for girls, ensure access to safe abortion and post-abortion care services, irrespective of whether abortion is legal or not, and ensure that the views of the girl are always heard and respected in abortion decisions”;</p> <p>c) Impact of climate change on the rights of the child: “Develop a comprehensive disaster-sensitive social protection system and ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account”;</p> <p>d) Comprehensive Policy and Strategy: “Ensure the full participation of all relevant stakeholders, including children, in the development of the child protection policy and undertake regular assessments of the effectiveness of its implementation”.</p> <p>e) Allocation of resources: “Establish appropriate mechanisms and inclusive processes through which civil society, the public and children can participate in all stages of the budget process, including formulation, implementation and evaluation”.</p>
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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 Palau and Panama were particularly elaborated on the topic.

The questions asked by the Committee members were less numerous and detailed than in the previous session (76th session), keeping the same level of detail and frequency of the 75th session. Notably, the Cob’s on children’s participation in Panama and Palau contained very detailed recommendations related to adolescent health. It is worth to note that the Committee members expressed a particular concern over the situation of the right to be heard in Sri Lanka, mentioning in the Cobs that it “recommends that the State include the right to be heard in all relevant legislations”.

In the Concluding Observations, the Committee integrated children’s participation into other clusters for all the 8 States reviewed. For the 77th session, children’s participation was referred to in the sections related to:

- Corporal Punishment
- Right to be heard
- Adolescent health
- Allocation of resources
- Non-discrimination
- Education
- Migrant, asylum seeking and refugee children
- Children belonging to minorities and indigenous children
- General measures of implementation
- Harmful practices
- Impact of climate change on the rights of the child
- Children deprived of a family environment

The subtopic in which more reference was made to the “respect of the views of children” was adolescents’ health, specifically in regards to decriminalization of abortion. The topic of child participation was integrated in other clusters, rather other than “General principles” in all 8 States reviewed under the CRC, namely family environment and alternative care; violence against children; education, leisure and cultural activities; special protection measures. In terms of the groupment in clusters, it follows a similar pattern of the 76th session, where likewise, the topic was integrated in other clusters for all 6 States revised. Unfortunately, an explicit link between children’s participation and civil rights and freedoms remained absent in the Cobs.



Although during the dialogue the Comitee members asked questions to Sri Lanka concerning the participation of children in the reconciliation process and student councils, none of those topics were specifically adressed in the Cobs. On the other hand, in the case of Panama, the Cobs addressed more topics on the participation of children than the ones raised on the questions asked by the Comitee. For example, it expanded from children participation in administrative procedures to adolescent health, allocation of resources, non-discrimination, education, migrant, asylum-seeking and refugee children and children belonging to minorities and indigenou children.