

CHILD EMPOWERMENT CRC MONITOR

ANALYSIS OF HOW CHILDREN'S PARTICIPATION AND EMPOWERMENT OF CHILDREN HUMAN RIGHTS DEFENDERS WAS ADDRESSED BY THE UN COMMITTEE ON THE RIGHTS OF THE CHILD DURING ITS 82ND SESSION

(9 SEPTEMBER– 27 SEPTEMBER 2019)

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

During the 82nd session, the UN Committee on the Rights of the Child (Committee) reviewed the following States: **Australia, Bosnia and Herzegovina, Mozambique, Portugal, Republic of Korea, Georgia (OPSC and OPAC) and Panama (OPAC)**. The table below includes 2 sections that highlight 1) how the Committee has brought up the issue of children's participation and children human rights defenders (CHRDs) 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 and CHRDs 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 and CHRDs that can be found in the Concluding Observations (COBs). [Webcast](#) of the dialogues and [COBs](#) can be found on these links.

Country	Committee 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
<i>Republic of Korea CRC</i>	<p><u>Amal Salman Aldoseri (Bahrain)</u></p> <p>✓ On freedom of expression: what platforms exist in schools for children to express their views? How do you ensure that the opinions collected by students contribute in the decision making of their schools? Do students participate in policy making of their schools?</p>	<p>The Committee recommends to the State party to:</p> <p>Ensuring that opportunities to express children's views are open to all children at school, regardless of academic performance;</p> <p>Ensuring that the Child Welfare Act provides for the right of children to express their views freely in all matters affecting them, as previously recommended (CRC/C/KOR/3-4, para. 35(a));</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p>a) Best interest of the child: "Expand the application of the Child Impact Assessment system, with wide child participation"</p> <p>b) Allocation of resources:</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>✓ Children who came to meet the Committee requested the later to ask the delegation whether the government could lower the age of voting from 19 years to include them. Please comment on this.</p> <p><u>Benyam Dawit Mezmur (Ethiopia)</u></p> <p>✓ Is there an effort to move away from the adhoc approach of child participation to a more institutionalized and systematic approach of child participation? It is not clear to which extent the views expressed by children inform policy and law, please share your observations on this. Are there efforts are made to provide feedback to children who are involved in child participation processes?</p>	<p>Abolishing any age limit on the right of children to express their views in all issues concerning them, including by expeditiously enacting the draft Family Litigation Act.</p>	<p>“Enhance child participation in budgeting, including of existing Child and Youth Assemblies and Participation Committees”</p> <p>c) Freedom of expression, association and peaceful assembly: “It also recommends promoting child participation and considering lowering the age of voting and membership in political parties, now set at 19”</p> <p>d) Violence, including corporal punishment: “Intensify awareness-raising and education programmes on all forms of violence and abuse; promote non-violent communication and conflict mediation in schools and positive, non-violent and participatory forms of child-rearing; and encourage the reporting of violence and abuse”</p> <p>e) Adolescent health: “...the Committee recalls its previous recommendations concerning the prevention of obesity, smoking and drinking, including by imposing stricter regulations on alcohol advertising, increasing smoke-free spaces, promoting sports and physical activities and encouraging children’s participation in life-skills education on preventing substance abuse”</p> <p>f) Children deprived of a family environment: “Ensure adequate safeguards and clear criteria, based on the child’s needs, best interests and views, having regard to age and maturity, for determining alternative care placement...”</p>
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<p><i>Mozambique CRC</i></p>	<p><u>Benyam Dawit Mezmur (Ethiopia)</u></p> <ul style="list-style-type: none"> ✓ In the State party report, the instances in which children’s voices are given due consideration - particularly in the court settings- are mostly oriented towards family law issues for example adoption, how about on other contexts other than the family law environment? ✓ The State party reports highlighted the activities conducted through the child parliaments, school councils, the Child Protection Committees, etc, how effective 	<p>The Committee recommends to the State party to:</p> <p>Ensure that children’s views are given due consideration in courts, schools, relevant administrative and other processes concerning children and in the family through, inter alia, the training of professionals working with and for children and the development of operational procedures or protocols to ensure respect for the views of children in administrative and judicial proceedings;</p> <p>Strengthen the Children’s Parliament as an independent, democratic and adequately</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p>a) Education, including sexual violence in schools:</p> <p>“...the Committee recommends that the State party strengthen its efforts to guarantee, based on the principles of inclusion, participation and non-discrimination, the right of the child to rest and leisure, to engage in age-appropriate recreational activities, cultural life and the arts, and to access safe playground spaces”</p> <p>b) Children in street situations:</p>

	<p>have these initiatives been in involving children and taking their views into consideration? The report also states that gender and geographical representativity is taken into account, please provide more details. How are children with disabilities involved as representatives in such bodies and how are their voices given due consideration in law, policy and practice of the government?</p> <ul style="list-style-type: none"> ✓ The State party has identified a challenge: “certain negative social norms are a major constraint for child participation”. What has been done to tackle this challenge? What has been the impact of those interventions? ✓ The freedom of association is only guaranteed for persons above the age of 18, could this be confirmed? If yes, why is it the case? 	<p>resourced body with the participation of children in disadvantaged or vulnerable situations, and ensure that its outcomes are systematically fed into public decision-making;</p> <p>Conduct awareness-raising activities to promote the meaningful and empowered participation of all children in the family, the community and schools, including within school councils and child protection community committees, paying particular attention to girls, children with disabilities and children living in rural or remote areas.</p>	<p>“Conduct a comprehensive study to assess the scope, nature and root causes of the presence of children in street situations in order to develop a national strategy and plan of action, with the participation of children, to support such children”</p> <p>c) Adolescent health: “Ensure girls’ access to family planning services, affordable contraceptives and safe abortion and post-abortion care services, and ensure that their views are always heard and given due consideration in abortion decisions”</p> <p>d) Impact of climate change on the rights of the child “Ensure that the specific vulnerabilities and needs of children, as well as their views, are taken into account in the development of policies or programmes addressing the issues of climate change and disaster risk management”</p>
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<p>Georgia OPSC &OPAC</p>	<p>None</p>	<p>None</p>	<p>None</p>
<p>Australia CRC</p>	<p><u>Olga Khazova (Russia)</u> ✓ How do you ensure that aboriginal children living in residential care or remotes areas are able to express their opinion freely?</p> <p><u>Clarence Nelson (Samoa)</u> ✓ What measures are taken to ensure children’s right to be heard is respected and their opinions are taken into consideration in decision making?</p> <p><u>Cephas Lumina (Zambia)</u> ✓ Asked about measuring the benefits and impact of the resources allocated, including children’s participation in budget elaboration processes and surgical intervention on intersex children, which many international bodies, including this Committee, considered harmful.</p> <p><u>Clarence Nelson (Samoa)</u> ✓ How is the principle of respect for the views of the child applied and interpreted in Australia? Is there any published guidance or</p>	<p>The Committee recommends to the State party to:</p> <p>The Committee recalls its previous recommendations and recommends the State party to enhance children’s meaningful and empowered participation within the family, community and schools, with particular attention to girls, children with disabilities, Aboriginal and Torres Strait Islander children.</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p>a) Allocation of resources To establish appropriate mechanisms and inclusive processes through which civil society, the public and children may participate in all stages of the budget process, including formulation, implementation and evaluation.</p> <p>b) Dissemination, awareness-raising and training. To strength its awareness- raising programmes on the Convention, including through greater media and social media engagement, in a child-friendly manner, promoting the active involvement of children in public outreach activities including measures targeting parents, social workers, teachers and law enforcement officials.</p> <p>a) International cooperation. To adopt a child-rights based approach in respect of its trade agreements and development aid policy and programs, with the rights of children and their engagement included in program design, delivery and evaluation.</p> <p>b) Children deprived of a family environment</p>

	<p>assistance to assist the State in this regard?</p> <ul style="list-style-type: none"> ✓ What progress had been made towards the goals of the Paris Climate Change agreement in Australia and how were children involved in the design of climate-change policy? 		<p>The Committee urges the State Party to strongly invest in prevention measures for children and their families to avoid child removal and, when this is a necessary measure, to limit it to the shortest time possible, and ensure participation of children, their families and communities in decision-making, to guarantee an individualised and community-sensitive approach.</p>
<p><i>Bosnia and Herzegovina</i> CRC</p>	<p><u>Mikkiko Otani (Japan)</u></p> <ul style="list-style-type: none"> ✓ How children views are considered in the new State Party action plan 2020-2023? ✓ Were children involved in the last national review of the implementation of SDGs? ✓ Is the government supporting or planning to support the initiative of the children’s council and how? 	<p>The Committee recommends to the State party to:</p> <p>Supporting the activities of the Council for Children of Bosnia and Herzegovina for promoting child participation in developing policies and decisions concerning child rights at all levels and strengthen programmes and awareness-raising activities to remove all barriers for children to express their views at all levels and ensure the meaningful participation of all children within the family, community and schools, including within student council bodies, and in decision-making in all matters related to children, and with particular attention to children in vulnerable situations.</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p>a) Comprehensive policy and strategy The Committee recommends the State party to provide the new action plan with sufficient resources and in a consistent manner throughout the territory of the State party with the full participation of children and civil society organizations. It also recommends that the State party establish a mechanism for regularly monitoring its implementation.</p> <p>b) Corporal punishment Raise awareness among parents and the general public on the harmful effects of corporal punishment for children so as to promote alternative positive,</p>

			<p>nonviolent and participatory forms of child-rearing and discipline</p> <p>c) Abuse and neglect</p> <p>Further strengthen awareness-raising programs on different types of violence and abuse against children with the involvement of children to prevent them from engaging in violence, establish clear and accessible reporting procedures for children, parents and professionals working with children and ensure children's access to child-friendly support and protection services</p> <p>d) Children in street situations</p> <p>Provide civil society organizations with necessary support to raise awareness on the rights of children in street situations and to facilitate participation of children in the development of plans and programmes designated for their protection.</p>
<p><i>Portugal CRC</i></p>	<p><u>Clarence Nelson (Samoa)</u></p> <ul style="list-style-type: none"> ✓ Welcomed the act. 1.41 from 2015 on improving child participation and child-friendly procedures in tutelary civil procedures, in addition and commended Portugal for ensuring child participation ✓ In scholar and health care systems. At the same time there are concerns, children do not feel that there views or opinions matter in some settings such as residential 	<p>The Committee recommends to the State party to:</p> <p>Developing toolkits for the consultation of children on national policy development that affects them to standardize such consultation at a high level of inclusiveness and participation.</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p>a) Children with disabilities:</p> <p>Adopt, in consultation with children with disabilities and their families, a new comprehensive strategy for the inclusion of children with disabilities in all areas of life and allocate resources for its monitoring and implementation.</p> <p>b) Corporal punishment:</p> <p>Build the capacities of professionals that work with and for children, on positive, non-violent and participatory</p>

	<p>care, where there are evidences that children have little or any opportunities to express their opinions.</p> <ul style="list-style-type: none"> ✓ Child participation in other judicial or general administrative procedures is not being ensured in the legislation. It is crucial that children are given the space, the voice and audience in all aspects of their lives. Can Portugal identify good practices of this nature? Are there any plans to enhance the right of the child to be heard in this respect for example by facilitating a children's parliament? 		<p>forms of child-rearing, and reinforce actions to promote these forms of child-rearing in society</p>
<p><i>Panama OPSC</i></p>	<p><u>Philip Jaffé (Switzerland)</u></p> <ul style="list-style-type: none"> ✓ Were any children or youth organizations informed or involved in the report drafting process? He highlighted the importance of proactively disseminating the instrument among them. ✓ Are Children Human Rights Defenders given due visibility in Panama and are they supported 	<p>None</p>	<p>a) Dissemination and awareness-raising</p> <p>The Committee is further concerned that children have been insufficiently consulted in the preparation of the State party's report and in the implementation of the Convention.</p> <p>Enhance its efforts to make the principles and provisions of the Optional Protocol widely known to the members of the security services and the public at large, in particular in a child-friendly manner for children and their families.</p> <p>Strengthen efforts to actively and systematically consult children, including through representative non-governmental organizations and children's</p>

	<p>and consulted by government entities?</p> <p>✓ Are Children Human Rights Defenders active on how public policy is carried out?</p>		<p>associations, in the promotion and implementation of children's rights, including by ensuring their participation in the follow-up to the concluding observations of the Committee and the preparation of the next periodic report.</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 for the views of the child (Art. 12), as well as integrating the principle into other clusters. The questions raised by the Committee mainly focused on the general principle of the Respect for the Views of the Child, within the family, government (in the development of various laws, policies and programmes and in budget allocation), in school settings and in judicial proceedings affecting them. Noticeable during this session was an increase in questions relating to children's participation and environmental decision-making and to civil rights and freedoms and empowerment (such as freedom of association and freedom of expression).

Moreover, the 82nd session was characterized - compared to the two previous sessions - by a higher number of questions on civil rights and freedoms broadly speaking; notably, the right to privacy, access to appropriate information and freedom of religion and worship. These questions did not explicitly link to child participation or children acting as human rights defenders.

There were only two questions - during the review of Panama - in which the Committee used the term "Children Human Rights Defenders" during the session. These were in relation to whether CHRDs are given due visibility and whether they are supported and consulted by government entities, and whether CHRDs are active on how public policy is carried out. No Concluding Observations included the term.

In the Concluding Observations (COBs), similarly to the 80th and 81st sessions, the Committee integrated children's participation into other clusters for all five States reviewed under the CRC as well as for one country (Panama) reviewed under OPSC. Child participation or children human rights defenders were not part of the State reviewed under OPSC and OPAC (Georgia). For the 82nd session, children's participation was referred to in the clusters:

General measures of implementation (Allocation of resources, Comprehensive policy and strategy, Dissemination, awareness-raising and training)

General Principles (Best interest of the child)

Civil Rights and Freedoms (Freedom of expression, association and peaceful assembly, Access to appropriate information)

Violence against children (Abuse and neglect, Corporal punishment)

Family environment and alternative care (Children deprived of a family environment, Adoption)

Disability, basic health and welfare (Children with disabilities, Adolescent health, Impact of climate change on the rights of the child)

Education, leisure and cultural activities (Education and the aims of education, Education, including sexual violence in schools)

Special protection measures (Children in street situations)

The subtopics in which most reference were made to the Respect for the views of the child were corporal punishment and dissemination and awareness raising followed by allocation of resources, adolescent health as well as adoption and children in street situations. More generally, the CRC COBs of the 82nd session mostly made reference of the respect of the views of the child under the cluster of general measures of implementations. During the 80th and 81st

session (minus one country for the latter), all countries received a CRC COB on the subtopic of corporal punishment and participatory forms of child-rearing. This was not the case for the 82nd session where only 3 out of 5 States received a COB on this issue.

Moreover, in four State CRC COBs, the Committee urged the State party “to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving the 17 Goals as far as they concern children”, under the section of the COBs “Main areas of concern and recommendations”. Such recommendation was not made in the COBs for the Republic of Korea, nor in the COBs of Georgia and Panama reviewed under the OPSC and OPAC. All the COBs of the two last sessions contained the above mentioned recommendation.