

CHILD EMPOWERMENT MONITOR

ANALYSIS OF HOW CHILDREN'S PARTICIPATION AND EMPOWERMENT WAS ADDRESSED BY THE UN COMMITTEE ON THE RIGHTS OF THE CHILD DURING ITS EXTRAORDINARY 84TH SESSION IN SAMOA

(2 MARCH – 6 MARCH 2020)

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

During its extraordinary 84th session, the UN Committee on the Rights of the Child (Committee) reviewed the following States: **Tuvalu, Federated States of Micronesia, Cook 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 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
Tuvalu CRC	<p><u>Clarence Nelson (Samoa)</u></p> <ul style="list-style-type: none"> ✓ How children are being involved in the national strategy 2020 and what plan to evaluate its success and have a follow up plan? ✓ The dissemination of the CRC Convention is a difficult issue, what awareness programs are being done 	<p>The Committee recommends to the State party to:</p> <p>a) Ensure that children's views are not disregarded because of traditional customs, but rather given due consideration in all matters affecting them, including those relating to education and health;</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p>a) Allocation of resources: "Further strengthen transparent and participatory budgeting processes in which civil society, the public and children can participate effectively."</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>to raise awareness about the CRC among children?</p> <ul style="list-style-type: none"> ✓ Domestic violence has a dramatic impact on children, when the police intervenes within the family, how is the view of the child taken into consideration regarding the custody? <p><u>Renate Winter (Austria)</u></p> <ul style="list-style-type: none"> ✓ There is no respect of the views of the child. Children are not participating in the decision making and are not able to give their point of views. How is the government planning to improve this? Is the government raising awareness on this in the family, community, village and school settings? 	<p>(b) Ensure respect for the views of the child within the family, community and schools, as well as in the courts and all relevant administrative and other processes concerning them through, among others, adopting appropriate legislation, training professionals working with and for children, and raising the awareness of the public, especially traditional, religious and community leaders and parents.</p>	<p>b) Corporal punishment: “Promote positive, non-violent and participatory forms of child-rearing and discipline, including by strengthening awareness-raising programmes and campaigns targeting children, parents, teachers and traditional, religious and community leaders.”</p> <p>c) Children with disabilities: “The Committee urges the State party, with the full and effective participation of children with disabilities, to harmonize national legislative and policy frameworks, Undertake a study on the situation of children with disabilities, Ensure access for children with disabilities to inclusive education in mainstream schools,..”</p> <p>d) Impact of climate change on the rights of the child: “Ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies and programmes addressing the issues of climate change and disaster risk management.” “Provide opportunities for children to effectively participate in discussions and decision-making related to climate action.”</p> <p>e) Adolescent health: “Decriminalize abortion 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 part of the decision-making process.”</p>
--	---	---	---

<p><i>Federated States of Micronesia CRC</i></p>	<p><u>Philip Jaffe (Switzerland)</u></p> <ul style="list-style-type: none"> ✓ Are the opinions of children taken into consideration? What about their right to be heard in the decision-making? How is the convention being disseminated among children? <p><u>Benyam Dawit Mezmur (Ethiopia)</u></p> <ul style="list-style-type: none"> ✓ Children are not considered in decisions-making that affects them, the community and adults are the ones taking all the decisions. What you are doing to progressively consider children voices? 	<p>The Committee refers to child participation in the recommendations on:</p> <p>(a) Ensure that children are heard and that their views are given due consideration in relevant administrative and judicial proceedings in respect of all rights covered by the Convention;</p> <p>(b) Promote meaningful and empowered participation of all children within the family, communities and schools, and include children in decision-making on all matters related to children, including environmental matters;</p> <p>(c) Develop mechanisms for the systematic participation of children in the development and implementation of laws, policies and programmes relating to children</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p>a) Comprehensive policy and strategy: “Ensure that policies concerning children, including the National Youth Policy, are developed with the full participation of children and civil society organizations.”</p> <p>b) Abuse, neglect and sexual exploitation and abuse: “Strengthen community-based awareness-raising and education programmes, with the participation of children, aimed at preventing and tackling domestic violence, child abuse and sexual exploitation, particularly targeting children, families, communities and schools”</p> <p>c) Children deprived of a family environment: “Establish quality standards for all available forms of alternative care options and take children’s views into consideration in any decision about alternative care.”</p> <p>d) Adolescent Health: “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.” “Strengthen measures to provide children and adolescents with accurate and objective information on the harmful effects of alcohol, drug and substance abuse, as well as life skills education on preventing substance abuse”</p>
--	---	---	--

			<p>e) Impact of climate change on the rights of the child: Ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies and programmes addressing the issues of climate change and disaster risk management.”</p> <p>f) Corporal punishment: “To conduct awareness-raising programmes for parents and professionals working with and for children to promote attitudinal change within the family and at the community level with regard to corporal punishment and to encourage the use of alternative, non-violent forms of discipline.”</p>
<p><i>Cook Islands CRC</i></p>	<p><u>Velina Todorova (Bulgaria)</u></p> <ul style="list-style-type: none"> ✓ It is not clear if and how children are heard in administrative and court procedures. How are the judges or officers taking into consideration the views of the children? ✓ It is a good information that there are mechanisms to allow children participation in school matters, but are there mechanisms for children participation in other decision-making processes, for example in the community? <p>Gehad Madi (Egypt)</p> <ul style="list-style-type: none"> ✓ In the main Island the connection is a 4G but there is not a good 	<p>The Committee refers to child participation in the recommendations on:</p> <p>a) Strengthen systematic training to professionals working with and for children, especially in administrative and judicial proceedings, and develop operational procedures or protocols for such professionals to ensure that due weight is given to the views of children in those proceedings;</p> <p>(b) Conduct programmes and awareness-raising activities to combat negative societal attitudes, which hinder children’s right to be heard, and promote the meaningful and empowered participation of all children within the family and the community.</p>	<p>a) Allocation of resources “Ensure transparent and participatory budgeting processes in which civil society, the public and children can participate effectively.”</p> <p>b) Corporal punishment: “Intensify efforts to promote positive, non-violent and participatory forms of child-rearing and discipline, including by strengthening awareness-raising programmes and campaigns targeting children, parents, teachers and traditional, religious and community leaders.”</p> <p>c) Children with disabilities: “the Committee recommends that the State party, with the full and effective participation of children with</p>

	<p>connection for the outer islands. Are you in the process of expanding the 4G in order to facilitate the access to information for all the children?</p>		<p>disabilities continue to provide individualized support to children with disabilities to ensure their full participation in inclusive education in mainstream schools, including by training and appointing a sufficient number of suitable teacher’s aides.”</p> <p>d) Impact of climate change on the rights of the child:</p> <p>“Ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies and programmes addressing the issues of climate change and disaster risk management</p> <p>e) Adolescent Health</p> <p>“...provide clear guidance to health-care practitioners and information to adolescents on safe abortion and post-abortion care, while ensuring that the views of pregnant girls are heard and given due consideration in all abortion decisions.”</p> <p>“Take the measures necessary to address the incidence of alcohol and drug use among children and adolescents by, inter alia, providing children and adolescents with accurate and objective information on the harmful effects of alcohol, drug and substance abuse.”</p>
--	--	--	--

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 experts regarding the Respect for the views of the child mainly included hearing children views within family, community and schools’ settings but also in administrative and judicial proceedings.

Notably, during this session due to the strong impacts of climate change on children’s rights in the Pacific, the Committee also highlighted the importance of including children in decision-making on all matters related to them including environmental matters.

In this session, there weren’t explicit questions in which the Committee used the term “Child Human Rights Defenders” (CHRDs). In the COBs of the three countries the Committee recommended the State party to ensure “transparent and participatory budgeting processes in which civil society, the public and children can participate effectively.”

For the 84th extraordinary session, in the Concluding Observations (COBs), the Committee integrated children’s participation into other clusters for all three States reviewed under the CRC, notably in the clusters:

- **General measures of implementation:** (Comprehensive policy and strategy; Allocation of resources)
- **Violence against children** (Abuse, neglect and sexual exploitation and abuse; corporal punishment)
- **Family environment and alternative care** (Children deprived of a family environment)
- **Children with disabilities**
- **Basic health and welfare** (Impact of climate change on the rights of the child; Adolescent health)

The subtopics in which most references were made to the Respect for the views of the child in the COBs were impact of climate change on the rights, children with disabilities, corporal punishment and allocation of resources. The recommendations on Article 12 also considered that children’s views are not disregarded because of traditional customs as the pacific islands are a context where the community settings as well as traditions and customs are very strong. In this regard, in order to ensure an empowered and meaningful participation of children in all the decisions affecting their lives, the Committee recommended to raise awareness on the importance of the respect of the views of the child not only among the parents but also among the traditional, religious and community leaders. This monitor also highlights the need to combat the negative social attitudes enshrined in the local mindset and that can lead to the legitimation of the violation of children’s rights as for example in the case of corporal punishment. In fact, concerning corporal punishment, for all the three countries the Committee’s experts stressed for the promotion of an attitudinal change, recommending the States to “Intensify efforts to promote positive, non-violent and participatory forms of child-rearing and discipline by strengthening awareness-raising programmes and campaigns targeting children, parents, teachers and traditional, religious and community leaders.”

Moreover, in the COBs of Tuvalu, Micronesia and Cook Islands 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 all 17 Sustainable Development Goals as far as they concern children”, under the section of the COBs “Main areas of concern and recommendations”.