

CHILDREN'S PARTICIPATION MONITOR

ANALYSIS OF HOW CHILDREN'S PARTICIPATION WAS ADDRESSED BY THE UN COMMITTEE ON THE RIGHTS OF THE CHILD DURING ITS 76TH SESSION

(11 – 29 SEPTEMBER 2017)

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

During its 76th session, the UN Committee on the Rights of the Child (the Committee) reviewed the situation of children's rights in the following States: **Cyprus, Democratic People's Republic of Korea, Denmark, Ecuador, Guinea, Republic of Moldova, Tajikistan, and Vanuatu**. The table below includes two sections that highlight 1) how the Committee brought up the issue of children's participation with the aforementioned States and 2) what the Committee 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 members](#) to the State delegations during the constructive dialogues, and the second section includes references made to children's participation in [the Concluding Observations](#) (COBs).

Note that some of the recommendations included in the table below (marked with " *** ") do not explicitly or by its literal wording refer to children's participation. The analysis section below (pp. 16-17) will elaborate on why these recommendations, nevertheless, have been included in this children's participation monitor tool.

Webcast of the dialogues 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
Cyprus (OPAC)	<p>Mr. Luis Ernesto Pedernera Reyna (Uruguay):</p> <ul style="list-style-type: none"> Can a voluntary recruit under 18 years of age submit complaints to a superior, a body, or somewhere else? 	N/A	The Committee did not refer to children's participation in its COBs on OPAC.

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>Cyprus (OPAC)</p>	<p><u>Ms. Renate Winter (Austria):</u></p> <ul style="list-style-type: none"> • Can young recruits under the age of 18 submit confidential reports? 		
<p>Democratic People's Republic of Korea (CRC)</p>	<p><u>Ms. Velina Todorova (Bulgaria):</u></p> <ul style="list-style-type: none"> • Regarding Article 12 as a general principle, we appreciate the fact that views of children have been taken into consideration in decision-making, for adoption and implementation of law on children's rights and for drafting this report. We would however like to have more information on modalities adopted for obtaining views of children and how their views are taken into consideration in other bodies. For example, are there child friendly procedures in courts? Is sufficient information provided to the child? Is the child given assistance for her or him to express their views? How do you decide on the maturity of the child, having in mind that you have determined the age of 6 as appropriate to hear the child. <p><u>Ms. Kirsten Sandberg (Norway):</u></p> <ul style="list-style-type: none"> • In relation to child complaint systems in various institutions, do children know about these complaint mechanisms? How about in schools, and in other institutions? Can they complain in any way they like? What do you do to protect children from sanctions, in case they complain? 	<p>The Committee noted the State's efforts to involve children in matters related to their education and in celebration of the Convention.</p> <p>Recalling its general comment No. 12, the Committee recommended the State to:</p> <ul style="list-style-type: none"> • Conduct research to identify the issues that are most important to children as well as mechanisms available to them to participate and influence matters concerning them in individual decision, both at the local and national levels. The findings of the research should be used to develop guidance to ensure that children's views are effectively taken into account. 	<p>a) General measures of implementation</p> <p>The Committee echoed its previous recommendations made to the State, and encouraged it to "create an enabling environment for the development of an independent civil society and to systematically involve organizations working on children's rights in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children's rights". ***</p> <p>b) Disability, basic health and welfare</p> <p>The State should "Conduct a comprehensive study to understand the nature and extent of adolescent health problems, with the full involvement of adolescent girls and boys"</p> <p>c) Family environment and alternative care</p> <p>With regard to children deprived of a family environment, the State should: "Establish criteria and safeguards, based on the needs, views and best interests of the child, for determining whether a child, in particular a</p>

<p>Democratic People's Republic of Korea (CRC)</p>	<ul style="list-style-type: none"> Regarding the hearing of children within judicial proceedings, do you have video interviewing of children or other measures to protect the children, so that they do not need to appear before courts like adults? We regret that children's participation in forming policies and practices was not properly addressed during this dialogue. We would have wished to talk about this with you, because children have a lot to contribute with, when they are allowed to speak. <p><u>Ms. Hynd Ayoubi Idrissi (Morocco) :</u></p> <ul style="list-style-type: none"> Concerning civil society space, are children sufficiently represented within civil society? 		<p>child with disability, should be placed in public care."</p> <p>d) Special protection measures</p> <p>Relating to children in street situations, the State should: "Ensure that support provided to children in street situations, particularly reintegration with family or place in alternative care, fully respects the child's best interests and gives due weight to their autonomous views in accordance with their age and maturity."</p>
<p>Denmark (CRC)</p>	<p><u>Mr. Hatem Kotrane (Tunisia):</u></p> <ul style="list-style-type: none"> We note with satisfaction the adoption of new legislative measures to hear the child in judicial proceedings, and the use of video interviews in court proceedings. Regarding legislative measures and Denmark's reservation to Article 40, para. 2(b)(v): what measures are being undertaken to ensure that children are able to appeal in their own cases? Will the Danish Administration of Justice Act be amended to include a section on the right to appeal for children? 	<p>The Committee noted with appreciation the numerous relevant pieces of legislation that had strengthened the participation of children in decision-making, however, echoing its general comment No. 12, it recommended the State to:</p> <ul style="list-style-type: none"> Ensure that legislation recognizing the right of the child to be heard applies to decision-making at all levels of education. All schools should furthermore be made subject to the Danish Public Administration Act on consultation of parties; Ensure that the views of the child are always and adequately taken into account in child custody agreements, with a view to better protect 	<p>a) Family environment and alternative care</p> <p>When determining whether a child should be placed in alternative care, the State should: "Ensure that children have the opportunity to be heard in these cases and that their views are given due weight, including in Greenland."</p> <p>b) Violence against children</p> <p>Concerning the issue of abuse and neglect, the Committee recommended the State to: "Further strengthen awareness-raising and education programmes – including</p>

<p style="text-align: center;">Denmark (CRC)</p>	<p><u>Mr. Bernard Gastaud (Monaco):</u></p> <ul style="list-style-type: none"> • Regarding Article 12, we do not know very well what the modalities of the principle is. How is it fully implemented? In the family context, for example, what are the conditions? Age limit? Please provide us with more information. <p><u>Ms. Mikiko Otani (Japan):</u></p> <ul style="list-style-type: none"> • Are children called to testify in courts in cases of sexual violence? • Are there proper procedures for assessments of placing children in alternative care? Is the principle of the best interest of the child and the right to be heard taken into account? • Can a child complain about use of force in alternative care institutions? • Concerning bullying, are children involved in developing or designing strategies concerning anti-bullying at the school level? Are they involved in finding solutions? <p><u>Ms. Kirsten Sandberg (Norway):</u></p> <ul style="list-style-type: none"> • Concerning Article 12, is there an age limit for when authorities hear children? • Allegedly, children are not properly heard before being placed in alternative care. Do they know how to talk to children? Is there any training of social workers and child protection workers in social and child protection services, particularly with regards 	<p>children from the effects of the divorce or separation of parents.</p>	<p>campaigns – with the involvement of children”.</p> <p>c) Special protection measures</p> <p>Concerning asylum-seeking and refugee children, the State should: “introduce hearings of accompanied children in the context of the asylum procedure”.</p>
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	<p>to hearing the voices of children, with respect to the right of the child to be heard?</p> <ul style="list-style-type: none"> • What if parents want to admit a child into a psychiatric ward? Can parents decide for the children? Are there any age requirements? • How do you implementing the right to be heard in asylum cases? <p>Mr. Cephas Lumina (Zambia):</p> <ul style="list-style-type: none"> • On the issue of trafficking, what has been provided to the victims so that they can cooperate with law enforcement? 		
<p>Ecuador (CRC)</p>	<p>Mr. Jorge Cardona Llorens (Spain):</p> <ul style="list-style-type: none"> • There was a period where you were pioneers with regards to child participation. Do the national advisory councils still exist or have they been replaced? Have the children been consulted with regards to the changes made? What about participation in schools? Is it true that there is requirement on a minimum level of grade to be able to be elected? If so, that is discrimination. • We understand that two adolescents are currently on the council but it is difficult for us to see how you will coordinate topics dealing with children, with only two adolescents. Those representing other groups will ensure that the discussions are focused on their areas. What about the 	<p>While noting that Ecuador’s legislation included official consultation mechanisms with children at the national and cantonal level, the Committee referred to its general comment No. 12 and recommended the State to:</p> <ul style="list-style-type: none"> • Ensure the implementation of the general Code of Procedure in a way which confirms to the child’s right to be heard throughout all stages of administrative and judicial procedures and the rights to access one’s own files, as well as procedural accommodation for children with disabilities. The Committee further encouraged the State to set up compulsory protocols for judicial authorities to respect children’s rights throughout all stages of proceedings, including assessments of the capacity of the child, feedback to the child about the weight given to her/his 	<p>a) General measures of implementation</p> <p>With regards to the State’s cooperation with civil society, it should “systematically and meaningfully involve NGOs working in the field of children’s rights, including children organizations”. ***</p> <p>b) Family environment and alternative care</p> <ol style="list-style-type: none"> The State should: “ensure in practice that the child’s views are heard in accordance with the child’s evolving capacities in adoption processes, and that persons authorized by laws have given their informed consent”. Referring to its general comment No. 4 on adolescent health, the Committee recommended the State to establish a

<p>Ecuador (CRC)</p>	<p>adolescents, who clearly are a minority? Will they be heard? This is a problem for us.</p> <ul style="list-style-type: none"> I have concerns with regard to participation and freedom of expression. This should be unconditioned on economic situation and budget cuts for courts, victim assistance and protection system. We would like to have guarantees translated into laws or regulations that demonstrate that the best interest of the child is being respected in the budgetary arena. With regards to the investigation of cases of sexual violence, how is the child being heard? And what is being done to ensure that the child subjected to sexual violence is not revictimized in this process? <p>Mr. Luis Ernesto Pedernera Reyna (Uruguay):</p> <ul style="list-style-type: none"> We appreciate the legal structures affirming the right to be heard and child participation. We also welcome the consultative councils and national advisory councils, but we are concerned that some amendments have been made which might affect child participation. What mechanisms are in place to allow children to choose to participate in those bodies? How is it made effective, and to ensure that the voices of children are not only a symbolic fact? To go back to what Jorge mentioned, children can only be 	<p>views, complaints, remedies and redress when their right to be heard is disregarded;</p> <ul style="list-style-type: none"> Adopt indicators on effective participation of children throughout all participation mechanisms established by the organic Act on Citizen Participation (2010), at the national and the cantonal level; Ensure that all cantonal councils for the protection of rights set up mechanisms for participation of children in consultation processes; Adopt accountability indicators and develop assessments about the degree of acceptance of opinions of children in student councils in schools. The State should also develop public campaigns to promote recognition and acceptance of the views of children of all ages, both in home and care settings. 	<p>national policy to tackle adolescent pregnancies. To this aim, the State should tackle gender-based sexual violence and “work in close collaboration with organizations of women and children in order to collect their views on effective prevention mechanisms, including complaint procedures and early warning in situations of sexual violence and abuse by parents, relatives or carers”.</p> <p>c) Special protection measures</p> <p>In relation to the State’s obligations under OPSC and the issue of trafficking, the State should: “Adopt a new National Action Plan to combat trafficking in persons with particular focus on children, ensuring increased participation and close collaboration and support for civil society organizations working with victims of trafficking”. ***</p>
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<p>Ecuador (CRC)</p>	<p>elected if their grades are high. Why was this change made? Do you believe this makes child participation better? Concerning judicial proceedings, children should be allowed to be consulted at all stages. What measures are in place to ensure child participation? Are children continued to be heard in the process? Finally, we have received information on significant levels of inequality, girls especially are not properly involved because of the tasks assigned to them, such as domestic work. Does Ecuador have a policy which would change this?</p> <ul style="list-style-type: none"> • How big of a portion of the national budget is ear-marked to make child participation effective in these councils? • Regarding policies on children who do not enjoy a family environment, what is the specific procedure? Administrative or judicial? Is the child consulted? 		
<p>Guinea (OPSC, OPAC)</p>	<p><u>OPSC:</u></p> <p><u>Ms. Suzanne Aho Assouma (Togo):</u></p> <ul style="list-style-type: none"> • How do you listen to the victims who have been abused? How is the procedure, in practice? Are NGOs involved? • Regarding closed hearings, how is a child victim of abuse heard? How do you prevent her/him from being subjected to reprisals and revictimization? 	<p>N/A</p>	<p><u>OPSC:</u></p> <p>The Committee did not refer to children's participation in its COBs on OPSC.</p> <p><u>OPAC:</u></p> <p>The Committee did not refer to children's participation in its COBs on OPAC.</p>

<p style="text-align: center;">Guinea (OPSC, OPAC)</p>	<p><u>Ms. Hynd Ayoubi Idrissi (Morocco)</u></p> <ul style="list-style-type: none"> • How do you ensure participation of children when drafting State reports? • Can the National Human Rights Institution receive complaints? Can it receive complaints by children themselves? If yes, what measures have been taken to ensure accessibility and confidentiality? <p><u>OPAC:</u></p> <p><u>Mr. Benyam Dawit Mezmur (Ethiopia):</u></p> <ul style="list-style-type: none"> • When the National Human Rights Institution is established in a foreseeable future, what can we expect in terms of implementation and monitoring of OPAC? How about in relation to data collection, and access for children to make complaints? 		
<p style="text-align: center;">Republic of Moldova (CRC)</p>	<p><u>Mr. Gehad Madi (Egypt):</u></p> <ul style="list-style-type: none"> • Regarding Article 12, it is included in law and regulations in various sectors but has not been translated into practice. Please explain efforts to implement the principle in all areas that affect children, such as in family matters, in courts, etc. • Regarding the administration of juvenile justice. Hearing rooms for children are only functioning in the capital, and services providing support for child victims is managed by civil society organizations, putting this important service at risk as it is 	<p>While welcoming various measures undertaken to increase child participation, and noting the establishment in 2014 of the Strategy on Development of the Youth Sector, the Committee, reiterating its general comment No. 12, recommended the State to:</p> <ul style="list-style-type: none"> • Take measures to adopt and effectively implement legislation recognizing the right of the child to be heard in relevant legal and administrative proceedings, such as by establishing systems and/or procedures for social workers and courts to comply with the principle; 	<p>a) General measures of implementation</p> <p>The State should: “Systematically involve civil society, including non-governmental organizations and children’s organizations, in the development, implementation, monitoring and evaluation of policies, plans and programmes related to children’s rights”. ***</p> <p>b) Violence against children</p> <p>To combat abuse and neglect, the State should “Strengthen education programmes”</p>

<p>Republic of Moldova (CRC)</p>	<p>not supported by the Government. Does the Government intend to provide financial support with regards to these services?</p> <ul style="list-style-type: none"> Victims and witnesses under 14 years of age have to be heard in special rooms by specially trained personnel. Why is the age bracket below 14? What is the case for children aged 14-18 years? Regarding children deprived of their liberty, are there any systems of complaints by detained children? If so, is it independent or not? <p>Mr. Luis Ernesto Pedernera Reyna (Uruguay):</p> <ul style="list-style-type: none"> On your child protection strategy and equal opportunities for expressing opinion and participating. The National Commission of Youths have informed us that there is a 50-50 gender distribution and that there is also equal participation between authorities and civil society. We welcome these initiatives. Nevertheless, only adolescents and young people over the age of 14 years are involved in this National commission of Youths. What fora is available for the opinion of children below the age of 14, and in particular vulnerable children, including Roma children and children with disabilities. With that in mind, can you please provide us more detailed information on specific mechanisms in the educational system to ensure that children can participate effectively? Are 	<ul style="list-style-type: none"> Develop toolkits for public consultation on national policy development with a view to standardize such consultation at a high level of inclusiveness and participation, including involving the National and Local Children Advisory Councils, and consulting with children on issues that affect them; Continue to carry out programmes and awareness-raising activities to promote the meaningful and empowered participation of all children, within the family, community and school environment, including within student council bodies; Largen the technical assistance project implemented in the child protection systems in 11 districts of the State party in cooperation with Public Association “Partnerships for Every Child”. 	<p>and awareness-raising campaigns with the involvement of children for families in situations of poverty and marginalized families, with a focus on parenting skills and alcohol abuse counselling for parents, as well as raise awareness among all children of the Child Helpline and PANDA programme”.</p> <p>c) Family environment and alternative care</p> <p>The State should: “Ensure that the views of the child, according to his or her maturity, are heard and given due consideration in adoption proceedings”.</p> <p>d) Special Protection Measures</p> <ol style="list-style-type: none"> With regards to children’s rights in juvenile justice, the Committee urged the State to: “Strengthen the implementation of the Criminal procedure Code in law and in practice ensuring the hearings involving child defendants protect the privacy of children, be closed and held separately from other hearings, and develop child friendly interviewing standards in all regions of the State part.” *** With regards to child victims and witnesses of crimes, the State should “Increase the number of hearing rooms for child victims in all Prosecutor’s Offices, courts and police departments.” ***
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<p>Republic of Moldova</p> <p>(CRC)</p>	<p>there any information campaigns? What accountability mechanisms are available? Which are child-friendly? Which are foreseen in law so that they are aware of obligations towards families and children? Also, what monitoring mechanisms exist to improve child participation? Can children participate in these mechanisms? Do you conduct awareness raising campaigns so that society is aware of the right for children to participate? Also, what is the role of civil servants working directly with children in enforcing their right to be heard and enabling their participation?</p> <p><u>Ms. Kirsten Sandberg (Norway):</u></p> <ul style="list-style-type: none"> • Are children involved in developing policies on environmental issues? <p><u>Ms. Olga A. Khazova (Russian Federation):</u></p> <ul style="list-style-type: none"> • With regards to adoption, can children say yes or no? • In closing remarks: There is always room for improvement. Child participation, first of all. You told us about different initiatives that are being developed. However, it is very important – it is absolutely crucial – to give children the opportunity to speak for themselves, and I hope you will draw serious attention to this issue because it is impossible to see to the best interest of the 		
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<p>Republic of Moldova (CRC)</p>	<p>child if children are not able to express their views. Also, children are smart, full of ideas and full of positive energy, so I do hope you will ensure, in practice, their right to participate.</p>		
CRC			
<p>Tajikistan (CRC, OPAC, OPSC)</p>	<p>Ms. Amal Salman Aldoseri (Bahrain):</p> <ul style="list-style-type: none"> Regarding the Ombudsman, are people, particularly children, aware of this office? Can children access this office? Can they file complaints independently, without the help of parents or guardians? <p>Ms. Mikiko Otani (Japan):</p> <ul style="list-style-type: none"> Referring to Article 12 and the respect for the views of the child, please explain if a child under 10 years of age is encouraged to express abuse. If so, how are they encouraged to express their abuse? How do judges encourage children to express their views? Also, is training of judges undertaken to hear the views of children? The principle to listen contains an individual aspect and a collective aspect. Please provide information on the collective aspect. Are there any systems or programs on this? Although the principle is incorporated in domestic law, please provide further information on measures to be undertaken to integrate this principle in the family community and school environment. 	<p>The Committee remarked the law restricting the right of the child to be heard only in family and adoption cases and only to children above the age of 10 years.</p> <p>Recalling its general comment No. 12, the Committee recommended the State to:</p> <ul style="list-style-type: none"> Establish by law that all children are to be heard in all matters that affect them; Conduct programmes and awareness-raising activities to promote an attitude of respect for the views of the child, and to encourage the meaningful and empowered participation of all children within the family, community and schools. Training in this regard should be provided to all professionals working with or for children. 	<p>a) General measures of implementation</p> <p>The State should: “Continue to strengthen its collaboration with civil society working for children’s rights, including by systematically involving them in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to children’s rights.” ***</p> <p>b) Family environment and alternative care</p> <p>Concerning children deprived of a family environment, the State should ensure: “adequate safeguards and clear criteria for determining whether a child should be placed in alternative care, as based on the needs, views and best interests of the child”</p> <p>c) Disability, basic health and welfare</p> <p>Standard of living: Families faced with social and economic difficulties should be provided with adequate support to prevent their children from engaging in child labour, and:</p>

<p>Tajikistan (CRC, OPAC, OPSC)</p>	<p><u>Mr. Clarence Nelson (Samoa):</u></p> <ul style="list-style-type: none"> Relating to the issue of sexual violence against children, how is evidence taken in these cases? What about revictimization? <p><u>Ms. Olga A. Khazova (Russian Federation):</u></p> <ul style="list-style-type: none"> With regards to complaints to the Ombudsman, can children really send in complaints? What about confidentiality? Reprisals? <p><u>Ms. Kirsten Sandberg (Norway):</u></p> <ul style="list-style-type: none"> Regarding complaints by children placed in institutions, do inspectors of these institutions talk to children? Do they receive training to do so? Do they go to these institutions when the children are there? How much participation of children do you actually have during these visits and inspections? 		<p>“targeted programmes should be developed with the meaningful participation of children”.</p>
	OPAC & OPSC		
	<p><u>OPSC:</u></p> <p><u>Ms. Hynd Ayoubi Idrissi (Morocco):</u></p> <ul style="list-style-type: none"> Were children involved in one way or another in the preparation of drafting the report we are currently studying? <p><u>Ms. Ann Skelton (South Africa):</u></p>	<p>N/A</p>	<p><u>OPSC:</u></p> <p>a) Measures adopted to protect the rights and interests of child victims</p> <p>The State should ensure that: “immigration officials, judges, prosecutors, the police, social workers, medical staff and other professionals working with child victims, are trained in</p>

<p>Tajikistan (CRC, OPAC, OPSC)</p>	<ul style="list-style-type: none"> On the issue of trafficking, how can victims testify? Can they for example testify via video? <p>OPAC: The Committee did not mention children’s participation during the dialogue on OPAC.</p>		<p>children’s rights, child protection and child-friendly interviewing skills”. ***</p> <p>OPAC: The Committee did not refer to children’s participation in its COBs on OPAC.</p>
CRC			
<p>Vanuatu (CRC, OPAC, OPSC)</p>	<p>Mr. Bernard Gastaud (Monaco):</p> <ul style="list-style-type: none"> Are children involved in the design, implementation and assessment of programs and strategies on children’s rights? <p>Mr. Clarence Nelson (Samoa):</p> <ul style="list-style-type: none"> On the implementation of Article 12, is there any legislation in place requiring that the view of the child is to be taken into consideration for matters involving them, for example, in court proceedings, adoption measures, etc.? If not, are there any rules or regulations that exist in this regard? Moreover, are there any trainings of professionals dealing with children on taking their views into account? Such as judged, prosecutors, social workers, etc.? Concerning the taking of testimonies of child victims in criminal court proceedings, are these procedures subject to any specific guidelines and/or regulations? 	<p>The Committee was concerned that there were no specific court rules of procedures dealing with children and that the Criminal Procedures Code was silent in relation to respect of children’s view during criminal cases.</p> <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 consideration in the family, at schools, in the courts and in all relevant administrative and legal proceedings concerning them through, inter alia, the adoption of appropriate legislation, including the revision of the Criminal Procedures Code as well as training of professionals. 	<p>a) Family environment and alternative care</p> <p>With respect to children deprived of a family environment, the State should: “Establish quality standards for all available forms of alternative care options and take children’s views into consideration in any decision made about alternative care”</p> <p>b) Disability, basic health and welfare</p> <p>In relation to adolescent health: “The views of the girl should always be heard and respected in abortion decisions”.</p>

<p>Vanuatu (CRC, OPAC, OPSC)</p>			
	<p>OPSC: The Committee did not mention children’s participation during the dialogue on OPSC.</p> <p>OPAC: The Committee did not mention children’s participation during the dialogue on OPAC.</p>	<p>N/A</p>	<p>OPSC:</p> <p>a) Prevention of the sale of children, child prostitution and child pornography</p> <p>With regards to the lack absence of policy to prevent online child sexual exploitation and abuse offences, the State should launch a public education programme for, among other things: “the participation of children in the development of policies and practices”.</p> <p>b) Protection of the rights of child victims</p> <p>The State should ensure that law enforcement officers, border and immigration authorities, judges, prosecutors, social workers and medical staff, are “trained in children’s rights, child protection and child-friendly interviewing skills”. ***</p>

<p>Vanuatu (CRC, OPAC, OPSC)</p>			<p><u>OPAC:</u></p> <p>a) Protection, recovery and reintegration</p> <p>The State should establish mechanisms to identify refugee, asylum-seeking or migrant children and: “ensure that the personnel responsible for such identification are trained in children’s rights, child protection and interviewing skills”. ***</p>
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2. ANALYSIS

The Committee continued to raise questions and issue recommendations on children’s participation with respect to Article 12 and the right of the respect for the views of the child as a general principle.

The questions raised by the Committee members on children’s participation were numerous and detailed, particularly in its dialogues with Ecuador, Moldova and Tajikistan. The Committee regretted that children’s participation was only briefly addressed during the dialogue with the State delegation of DPRK and in its closing remarks on Moldova, the Committee put strong emphasis on children’s participation, by “urging” the State to draw “serious attention” to the issue, “or otherwise the principle of the best interest of the child cannot be complied with”.

In its dialogues with the States, the Committee referred to children’s participation under all clusters of the CRC in relation to the following topics:

- Legislation, policies, programs and strategies;
- The best interest of the child;
- Resource allocation;
- Freedom of expression;
- Violence against children, including abuse, sexual violence and corporal punishment;
- Bullying;
- Children deprived of their liberty;
- Administration of the justice system;
- Adoption;
- Children in institutions;
- Education;
- Environmental issues;
- Adolescent health, particularly in relation to abortion;
- Children with disabilities;
- Children belonging to minority groups;
- Trafficking in children.

While the Committee mentioned children’s participation to a much lesser extent in the COBs, the topic was integrated into clusters other than “general principles” for all the 6 States reviewed under the CRC, namely, the clusters on family environment and alternative care; disability, basic health and welfare; violence against children; and special protection measures. In these COBs, the Committee focused on children in particularly vulnerable and marginalized situations, such as children deprived of liberty, children deprived of a family environment, children in street situations, adolescents, and asylum-seeking and refugee children, thereby highlighting the urgent need to fully and effectively implement the right of these children to express their views. Unfortunately, an explicit link between children’s participation and civil rights and freedoms remained absent in the COBs.

While the COBs on Ecuador, Moldova and Tajikistan were particularly elaborated on the topic of children’s participation, none of the COBs that included urgent measures (DPRK, Denmark, Ecuador, Moldova and Tajikistan) identified children’s participation as one of the issues requiring the State to adopt such urgent measures.

In the case of Cyprus (OPAC) and Guinea (OPSC and OPAC), there was no reference to children's participation in the COBs, although during the dialogue with the State delegation of Guinea Committee members did ask questions on children's participation in relation to both OPAC and OPSC.

Similarly, while the Committee asked questions to the delegation of Ecuador about children's participation in the State's budget allocation, none of the COBs made a reference to children's participation in relation to allocation of resources. In the Committee's COBs for the 74th session, children's engagement in the budgeting of States was integrated in the COBs of 4 out of the 8 States reviewed. For the 75th Session, it was mentioned in the COBs of one State.

As noted, some of the recommendations (marked with " *** ") included in the table above do not explicitly refer to children's participation. Those COBs have nevertheless been included in this children's participation monitor tool as certain measures constitute prerequisites for effective, safe, sensitive and meaningful child participation. As such, they are directly linked to children's participation.

For example, if professionals working for or with children are not aware of the meaning of Article 12 and are not adequately trained on how to collect evidence from child victims and witnesses of crimes in a child-friendly, sensitive, and confidential manner, the risk is that: 1) the child is not allowed or able to express her/his views at all; 2) the child is not able to express her/his views freely; 3) the views of the child is not given due weight; and/or 4) the child risks being revictimized and/or subjected to reprisals.

These kinds of recommendations, all of which were mentioned under the cluster of "special protection measures", are thus implicitly but directly related to the child's right to be heard, as well other intrinsically linked rights, such as the right to non-discrimination, the right to life, survival and development, the primary consideration of the best interests of the child, the right to freedom of expression, and the right to information.

The numerous comments and questions by the Committee during the 76th session's dialogues on Article 12 clearly illustrates how certain measures, indeed, are essential requirements for the fulfilment of the child's rights to be heard. Similarly, as stressed by the Committee in its [general comment No. 12 on the right of the child to be heard](#), Article 12 "needs to be understood as a process", which needs to be: 1) transparent and informative; 2) voluntary; 3) respectful; 4) relevant; 5) child-friendly; 6) inclusive; 7) supported by training; 8) safe and sensitive to risk; and 9) accountable.

Giving due consideration to the fact that children across the globe are very active in advocating for their own rights, as well as for human rights in general, the table furthermore includes references to the role and involvement of civil society. However, by referring only to NGOs and children's organizations the Committee failed to explicitly mention space for children themselves.

Finally, there were also instances where the Committee recommended States to ensure increased participation and close collaboration with civil society organizations who work with child victims.² Where children themselves are not actors within civil society, those recommendations encourage and enable children's participation, albeit indirectly and through civil society organizations.

² The Committee recommended Ecuador to ensure increased participation and close collaboration and support for civil society organizations working with victims of trafficking.

