

## CHILDREN'S PARTICIPATION MONITOR

ANALYSIS OF HOW CHILDREN'S PARTICIPATION WAS ADDRESSED BY THE UN COMMITTEE ON THE RIGHTS OF THE CHILD DURING ITS 79TH SESSION

(19 SEPTEMBER – 05 OCTOBER 2018)

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

During the 79th session, the UN Committee on the Rights of the Child (Committee) reviewed the following States: **Mauritania, El Salvador, Laos, Benin, Niger and Saudi Arabia**. 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 <sup>1</sup>	Reference to children's participation in the Cobs	
		As a general principle / Respect for the views of the child	Other clusters
<i>Mauritania</i>	<ul style="list-style-type: none"> <li>✓ The Committee wondered whether children can always have the rights to be heard, in all manners affecting their lives.</li> <li>✓ The Committee welcomed that the Children's Parliament followed an equal gender representation. However, he asked whether there</li> </ul>	<p>The Committee recommends to the State party to:</p> <p>“Strengthen bodies and mechanisms such as the Children's Parliament and the Children's Municipal Councils to ensure that <b>children's views are heard and given due consideration in national and local decision-making processes</b> for adopting laws, policies and programmes</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>a) Family environment and alternative care - Kafalah:</b> “[...] ensure that the law protects children's right to have <b>their views heard and given due consideration in kafalah proceedings</b>, and provide standard guidelines for the screening of potential guardians.”</p>

<sup>1</sup> 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>was also a representation of children of various economic - social background.</p>	<p>concerning children, and develop <b>procedures for the participation of children in judicial and administrative</b> proceedings concerning or affecting them”;</p> <p>“Conduct awareness-raising and education programmes to promote the meaningful and <b>empowered participation of all children at all levels of society at the community level</b>, in the family and at schools, with particular attention to girls and children in disadvantaged or vulnerable situations”.</p>	<p><b>b) Adolescent health:</b> “Decriminalize abortion to ensure that girls have access to safe abortion and post-abortion services and that their <b>views are always heard and given due consideration</b> in abortion-related decisions.”</p> <p><b>c) Children in Street situation:</b> “Develop and implement, <b>with the active involvement of the children themselves</b>, a comprehensive policy that identifies the number of children living in street situations and identifies and the root causes, in order to prevent and reduce this phenomenon”</p>
<p><i>El Salvador</i></p>	<p><b><u>Luis Ernesto Perdenera Reyna (Uruguay)</u></b></p> <ul style="list-style-type: none"> <li>✓ Welcomed that the LEPINA law had included the participation principle following article 12 CRC.</li> <li>✓ How can children express their opinions in administrative and criminal procedures ?</li> <li>✓ The Committee welcomed the involvement of children in the preparation of the report; however, it was worried about the budget allocated for children’s participation.</li> <li>✓ Does consultation a widespread practice across all policies affecting children?</li> </ul>	<p>The Committee recommends to the State party to:</p> <p>“Establish procedures for social workers and courts to ensure that all <b>proceedings concerning children duly take into consideration the views of the child</b>, in all phases of the process”.</p> <p>It also recommends to “<b>strengthen the participation of children within the family</b>, communities and schools and include children in decision-making processes in all matters related to them, including violence and migration matters”.</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>a) Children belonging to minorities and indigenous children</b> Referring to its GC 11 (2009), “the Committee recommends that the State party strengthen its measures to promote quality education of indigenous children, including intercultural and bi-lingual education, improve their standard of health, and eliminate food insecurity and poverty, <b>with the full and effective participation of indigenous children</b>”.</p> <p><b>b) Abuse and neglect:</b> “Strengthen awareness-raising and education programmes, <b>with the involvement of children</b>, to formulate a comprehensive strategy for preventing and combating child abuse at the family and community level.”</p>

			<p><b>c) Adolescent health and on the implementation of the rights of the child during adolescence</b>  “ Decriminalize abortion and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure <b>that their views are always heard</b> and given due consideration as a part of the decision-making process.”</p> <p><b>d) Children in street situations</b>  Referring to its GC 21 (2017) on children “the Committee recommends that the State party develop, implement, monitor and evaluate a national strategy for children living and working on the streets with the <b>active involvement of those children</b>, with a strong emphasis on education, preventive measures at the community level and reunification with their families, when appropriate and in the best interests of the child”.</p>
<p><i>Lao People’s Democratic Republic</i></p>	<p><b><u>Velina Todorova (Bulgaria)</u></b></p> <ul style="list-style-type: none"> <li>✓ Welcomed the consultation of children coming from various background for the preparation of the report.</li> <li>✓ She expressed hope that this participatory approach will also be used in the drafting of national policies.</li> </ul> <p><b><u>Olga Kahzova (Russian Federation)</u></b></p> <ul style="list-style-type: none"> <li>✓ How does the gouvernement ensure that children from different ethnic group have an equal chance to express their views and participate in the</li> </ul>	<p>The Committee recommends to the State party to:</p> <p>“Conduct programmes and awareness-raising activities to promote the <b>meaningful and empowered participation of all children</b> within the family, community and schools, including within student council bodies, with particular attention to girls and children in vulnerable situations”;</p> <p>“Take measures to ensure the effective implementation of legislation recognizing the <b>right of the child to be heard in relevant legal proceedings</b>, including by establishing systems</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>a) Children deprived of a family</b>  “[...] It also urges to State party to ensure that the <b>child’s right to be heard is guaranteed during the placement</b> in alternative care process, that he/she is able to maintain contact with his/her family, and establish a monitoring mechanism and periodic review of the decision to place a child in alternative care”.</p>

	<p>decision affecting their lives?</p>	<p>and/or procedures for persons working with or for children, including social workers, and courts to comply with the principle”.</p>	
<p><i>Niger CRC OPSC</i></p>	<p><b><u>Bernard Gastaud ( Monaco ) :</u></b></p> <ul style="list-style-type: none"> <li>✓ How were the opinions of the National Youth Council taken into account by the authorities?</li> <li>✓ On freedom of expression: which platforms exist for children to express their opinion in the media and the institutions?</li> <li>✓ Is there any Child Parliament?</li> </ul>	<p>The Committee recommends to the State party to:</p> <p>“While noting positive developments such as the establishment of a youth parliament and school governments, and with reference to its GC 12 (2009) on the right of the child to be heard, the Committee recommends that the State party to <b>promote meaningful and empowered participation of all children</b> within the family, communities and schools by law and include children in decision making in all matters related to them.”</p> <p>“It also recommends that the State party take measures to ensure <b>the right of the child to be heard in relevant legal proceedings</b>, including by establishing systems and/or procedures for social workers and courts to comply with this right”.</p> <p>OPSC: -</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>a) Adolescent health</b> “Undertake a comprehensive study to assess the nature and extent of adolescent health problems, <b>with full participation of adolescents;</b>”</p> <p><b>b) Children in street Situation</b> “Develop and implement, with the active <b>involvement of the children in street situations themselves</b>, a comprehensive policy which should address the root causes, as well as define preventive and protective measures which establish annual targets to reduce the number of children in street situations,[...] “.</p> <p>OPSC: -</p>

<p>Benin OPSC OPAC</p>	<p><b>Ann Skelton (South Africa)- OPSC:</b> ✓ Adolescents need to be included in the legislative review process as well as the zero tolerance campaign.</p>	<p>None</p>	<p><b>OPSC</b> - The Committee refers to child participation in the recommendations on:</p> <p><b>a) Measures adopted to prevent offences prohibited under the Protocol</b> “Develop <b>child-empowering prevention programmes</b> to address the root causes and multiple vulnerabilities that place children, families and communities at risk and promote child protective social norms through community development projects, civil society such as youth groups, faith-based organizations and the media, including social networks”</p> <p><b>b) Measures adopted to prevent and address online child sexual exploitation and abuse</b> “Adopt a strategy for preventing online child sexual exploitation and abuse, including a public education programme to raise awareness, mandatory school education on online behaviour and safety, and knowledge and reporting of online child sexual exploitation and abuse offences; <b>child participation in the development of policies and practices</b>”.</p> <p><b>OPAC</b> - none</p>
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<p><i>Saudi Arabia</i> <i>OPSC OPAC</i></p>	<p>None</p>	<p>None</p>	<p><b>OPSC</b> - The Committee refers to child participation in the recommendations on:</p> <p><b>a) Civil society</b> “The Committee recalls its concluding observations on the Convention and urges the State party <b>to release human rights defenders working on children’s rights</b>, who remain in detention, and ensure the free, active and <b>meaningful participation of children</b>, communities and civil society organizations in the implementation of the Optional Protocol.”</p> <p><b>b) Measures to prevent and address online child sexual exploitation and abuse</b> “A strategy for preventing online child sexual exploitation and abuse, including a public education programme to raise awareness and mandatory school education on online behaviour and safety, and for increasing knowledge and reporting of online child sexual exploitation and abuse offences; <b>the participation of children in the development of policies and practices</b>; [...]”.</p> <p><b>OPAC - none</b></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 more general compared to the previous session. However, the COBs of Mauritania, Laos and Niger were elaborated on the topic.

The questions asked by the Committee members were less numerous and detailed than in the previous session (78th session), keeping the same level of detail and frequency of the 77th session. Notably, the COBs on children's participation in Mauritania, El Salvador and Niger contained detailed recommendations related to adolescent health.

In the Concluding Observations, the Committee integrated children's participation into other clusters for 6 States reviewed. For the 79th session, children's participation was referred to in the sections related to:

- Civil society
- Children in street situation
- Adolescent health
- General measures of implementation
- Harmful practices
- Children belonging to minority and indigenous group
- Family environment and alternative care
- Measures to prevent and address online child sexual exploitation

The subtopic in which more reference was made to the "respect of the views of children" were both adolescents' health and children deprived of a family environment. In terms of the grouping in clusters, it follows a similar pattern of the 78th session, where likewise, the topic was integrated in other clusters for all 6 States revised.

In the COBs for Saudi Arabia – under the section "civil society" – was asked to ensure a free and meaningful participation of children in the implementation of the Protocol. Thus, children's participation and civil rights and freedoms were linked together.

Almost all the issues raised by the Committee members during the dialogue concerning the participation of children were after addressed in the COBs. Revisions of Mauritania, El Salvador, Laos and Niger contained quite detail recommendations under the cluster of General Principles on empowering child participation in at all levels of society and community and that professionals are properly trained on involving children in judicial and administrative procedures. Interestingly and unlike the last session, while revising the implementation of the Optional Protocols on the sale of children, child prostitution and child pornography in Benin and Saudi Arabia, the Committee addressed in the COBs the topic of child participation, especially on measures to prevent child pornography. However, while revising the implementation of the Optional Protocols on the involvement of children in armed conflict, neither the Committee members in their questions nor the COBs addressed the topic of child participation.