

## 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 83<sup>RD</sup> SESSION

(20 JANUARY -7 FEBRUARY 2020)

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

During its 83<sup>rd</sup> session, the UN Committee on the Rights of the Child (Committee) reviewed the following States: **Belarus, Costa Rica, Hungary, Rwanda, State of Palestine, Austria**. 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 and children human rights defenders (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 children human rights defenders 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 and CHRDs in the COBs	
		As a general principle / Respect for the views of the child	Other clusters
<i>Austria CRC</i>	<p><b><u>Olga Khazova (Russian Federation)</u></b></p> <p>✓ Child participation exists in many different forms in Austria, there's youth councils at schools and municipalities, but its existence depends on schools, lander administration, government or politicians whether they want to deal with child participation or not. Children should have better knowledge of their</p>	<p>The Committee recommends that the State party to take further measures to:</p> <p>a) Ensure the <b>effective implementation of legislation recognizing the right of the child to be heard in relevant legal and administrative proceedings.</b></p> <p>b) Promote <b>meaningful and empowered participation of all children</b> within the family, communities and schools and</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>a) Children with disabilities</b>            "Develop in a participatory way the National Action Plan on Disability 2021-2030, and formulate as part of it a coherent strategy on de-institutionalization and prevention of separation of children with disabilities from their families with a clear time frame and a mechanism for its effective implementation and monitoring"</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>right to participate and their opportunities in this regard. Improvements must be made.</p> <p><b><u>Jose Angel Rodriguez Reyes (Venezuela)</u></b></p> <p>✓ Is the consent of the child taken into account by parents and guardians in cases of non-urgent intersex sexual mutilation?</p>	<p>include children in decision-making in all matters related to them, in particular through strengthening the Austrian National Youth Council</p>	<p><b>b) Impact of climate change on the rights of the child</b></p> <p>“Ensure that its climate mitigation policies, in particular those concerning the reduction of greenhouse gas emissions in line with the State Party’s international commitments, are compatible with the principles of the Convention, including the rights to the enjoyment of the highest attainable standard of health and an adequate standard of living, and that the special vulnerabilities and <b>needs of children, as well as their views, are systematically taken into account throughout the implementation, monitoring and evaluation of these policies”</b></p> <p><b>c) Harmful practices</b></p> <p>“Prohibit the performance of unnecessary medical or surgical treatment on intersex children where those procedures may be safely deferred until <b>children are able to provide their informed consent”</b></p>
<p><i>Belarus CRC</i></p>	<p><b><u>Amal Salman Aldoseri (Bahrain)</u></b></p> <p>✓ What mechanisms had the Government put in place to ensure that children could fully enjoy their right to <b>freedom of expression and express their views freely</b>, in schools, for example? Does the school environment encourage children to express freely?</p>	<p>The Committee notes with concern that reportedly children are at times not considered as rights holders but rather as objects of social protection. the Committee urges the State party to <b>ensure that children’s views are given due consideration in the family, at schools, in the courts and in all relevant administrative and other processes concerning them</b>, including parental and alternative care, adoption and migration matters. It also recommends <b>encouraging, promoting and supporting the</b></p>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>a) Allocation of resources:</b></p> <p>“The Committee also recommends measures to ensure transparent and participatory budgeting through public dialogue, especially by <b>encouraging child participation</b> and building the capacity of children and of the authorities involved.”</p>

	<p><b><u>Aissatou Alassane Sidikou (Niger)</u></b></p> <ul style="list-style-type: none"> <li>✓ How is the government guaranteeing a democratic process to ensure that children from all backgrounds can be part of <b>youth parliaments</b>?</li> <li>✓ What is the government doing to ensure that also <b>small youth organizations can have access to financial support from the State</b> and that vulnerable children are not disadvantaged?</li> </ul> <p><b><u>Velina Todorova (Bulgaria)</u></b></p> <ul style="list-style-type: none"> <li>✓ How is the state ensuring that children are <b>adequately informed</b>, notably on internet while also guaranteeing the protection of their rights?</li> </ul>	<p><b>participation of all children in Adolescent Parliaments</b>, with particular attention to children in vulnerable situations; making the selection process more transparent and democratic; and allocating adequate financial support to all youth organisations.</p>	<p><b>b) Education, including vocational training and guidance:</b></p> <p>“The Committee recommends that the State party ensure that girls and boys can choose non-traditional fields of study and improve career orientation for all children, with particular attention to children with disabilities, to <b>ensure that children’s views form the basis for their career choices</b>”</p> <p><b>c) Children in a situation of migration:</b></p> <p>“The Committee urges the State to integrate the principle of the best interests of the child in legislation and regulations concerning migration; ensure that it is given primary consideration in asylum and migration-related procedures, including age and status determination and deportation, and <b>that children’s views are duly taken into account therein</b>; and provide support to families with migration background to prevent family separation”</p> <p>“The Committee urges the State to ensure that all migrant children, including undocumented and separated children, receive appropriate protection, <b>are informed about their rights in a language they understand.</b>”</p>
<p><i>Costa Rica CRC</i></p>	<p><b><u>Luis Pedernera (Uruguay)</u></b></p> <ul style="list-style-type: none"> <li>✓ The state has structures for child participation, but children are pessimistic with the work of this participatory council of children. Why are children so pessimistic</li> </ul>	<p>The Committee observes the paternalistic approach in society restricting the expression of children’s views in the family and in public forums, and preventing their meaningful participation in public decision-making processes. The Committee recommends the State party to:</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>a) Children with disabilities</b></p> <p>“Ensure that legislation on children’s rights and gender equality legislation and public policies are responsive to and include the rights of children with disabilities, and</p>

	<p>about structures that should benefit them?</p> <ul style="list-style-type: none"> <li>✓ How can children take part in the councils, specially afrodescendants, children with disabilities and indigenous children? Is information about the councils and how to link into them accessible to these specific populations?</li> <li>✓ What funds were allocated to ensure that children's councils could properly operate?</li> <li>✓ The respect and promotion of children's opinions is still weakly recognized in some instances by the state; what measures are being taken to reverse this situation?</li> <li>✓ What measures is the state taking to deepen students' participation in the educational system?</li> </ul> <p><b><u>Jose Angel Rodriguez Reyes (Venezuela)</u></b></p> <ul style="list-style-type: none"> <li>✓ What policies do you have regarding the sterilization of children with disabilities? Do you gather children's opinion?</li> </ul>	<ul style="list-style-type: none"> <li>a) <b>Reinforce the implementation of the right of the child to be heard without discrimination,</b></li> <li>b) Ensure the functioning and <b>provision of human, technical and financial resources to the child and adolescent participatory councils</b> at the local and national level.</li> <li>c) Take measures to ensure <b>accessibility to information, communication, physical environment by children with disabilities,</b> and that linguistic requirements of <b>indigenous, migrant, refugee and asylum-seeking children</b> are addressed.</li> </ul>	<p><b>promote participation of children with disabilities</b> in public decision-making”</p> <p><b>b) Adolescent health</b></p> <p>“Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, <b>ensuring that their views are always heard</b> and given due consideration as part of the decision-making process”</p> <p><b>c) Standard of living</b></p> <p>“Hold targeted and <b>periodic consultations with families, children and organizations</b> working in the field of children’s rights on the issue of child poverty”.</p> <p><b>d) Children belonging to indigenous and Afro-descendant peoples</b></p> <p>“Strengthen human, technical and financial resources to ensure the full implementation of intercultural bilingual education and reinforce <b>consultations with indigenous and Afro-descendant children</b> in this regard”</p>
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<p>Hungary CRC</p>	<p><b><u>Mikiko Otani (Japan)</u></b></p> <p>✓ On General Principles: What are the mechanisms for children participation in Hungary, like children parliaments? Children in Hungary said that they are particularly concerned about education, climate change and security and would like to be involved in the decision making on those areas.</p> <p><b><u>Gehad Madi (Egypt)</u></b></p> <p>✓ On civil rights and freedoms: To ensure the Freedom of association and assembly, what measures is the State taking to protect demonstrating children from any restriction?</p> <p>✓ How is Hungary ensuring that children can access to appropriate information, including children with disabilities?</p>	<p>The Committee recommends that the State party:</p> <p>(a) Further develop the practice of hearing the views of children under 14 years of age and ensure that their views are duly taken into account in family law proceedings concerning them, including in custody and guardianship decisions;</p> <p>(b) Ensure that children, including unaccompanied children between 14 and 18 years of age, have their views heard in migration and asylum-seeking processes, in all situations, including during crises caused by mass migration;</p> <p>(c) Ensure that children in alternative care are heard in decisions affecting them throughout their stay; and children’ rights representatives are in sufficient number and have the technical capacities adequate to guarantee respect for the views of the child in alternative care;</p> <p>(d) Continue promoting the meaningful and empowered participation of all children within the family, community and schools, including through student council bodies and the children’s parliament;</p> <p>(e) <b>Strengthen initiatives aimed at increasing child participation and develop toolkits to consult with children on national policy issues that affect them</b>, in particular the issues that children identified as being of most concern for them such as education, climate change and security, and ensure that children’s views are taken into account by local and national authorities.</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p>a) The Committee urges the State party to ensure the <b>meaningful participation of children</b> in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children</p> <p>b) <b>Freedom of association and peaceful assembly:</b></p> <p>“the Committee recommends that the State party amend its legislation to allow children, including those under 14 years of age, to hold managerial positions in civil society associations, particularly those created by children themselves; <b>ensure that children enjoy their right to freedom of expression including when participating in peaceful demonstrations</b>, and do not suffer negative consequences, such as charges of petty offences by the police..”</p> <p>c) <b>Access to appropriate information:</b></p> <p>“The Committee recommends that the State party continue to expand <b>access to a variety of information from a diversity of sources</b>, including through the Internet, and ensure that children, their parents and other caregivers are taught appropriate online behaviour, including preventive strategies, against online abuse and/or exploitation; promote children with disabilities’ access to information by making audio description and captioning widely available.”</p>
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<p>Rwanda CRC</p>	<p><b>Cephas Lumina (Zambia)</b></p> <ul style="list-style-type: none"> <li>✓ What measures are taken to ensure that children are able to fully participate in the implementation of the legal framework for the protection of the right of the child?</li> <li>✓ On allocation of resources, Mr Lumina welcomed increased allocations for children’s rights and for the consultation with children in some districts but asked if the State was ensuring child participation in all stages of budgetary processes ?</li> </ul> <p>Do children receive an adequate preparation before the discussions on budgetary issues ?</p> <ul style="list-style-type: none"> <li>✓ On cooperation with civil society: the Committee is concerned about the reports of arbitrary detention and forced disappearance of human rights defenders including those working on children’s rights. In this regard, could you please provide examples of threats against civil society organizations that have been investigated and explain what action have been taken ? (the question was reiterated as a follow up question)</li> </ul>	<p>The Committee recommends that the State party:</p> <p>(a) <b>Ensure that children’s views are given due consideration</b> in courts, schools and relevant administrative processes concerning children by, inter alia, amending Law No. 32/2016 so that children’s views are respected in administrative and judicial proceedings concerning custody, divorce and all types of adoption; training and developing operational procedures or protocols for professionals working with and for children to ensure respect for the views of children in administrative and judicial proceedings; and establishing specific activities at schools, such as a children’s newspaper;</p> <p>(b) Allocate sufficient technical, human and financial resources to the effective functioning of the <b>children’s fora and the National Children’s Summit</b> and ensure that their outcomes are systematically fed into public decision-making and children receive the feedback;</p> <p>(c) Expedite the establishment of children’s centres in all districts, and ensure that they are accessible, safe and adequately resourced;</p> <p>(d) Conduct awareness-raising activities to <b>promote the meaningful and empowered participation of all children</b> within the family, communities and schools, paying particular attention to girls, children with disabilities, children deprived of a family environment and Batwa children, and <b>include children in decision-</b></p>	<p>The Committee refers to child participation in the recommendations on:</p> <p>a) “The Committee also urges the State party to ensure the <b>meaningful participation of children</b> in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.”</p> <p>b) <b>Allocation of resources:</b></p> <p>“The Committee recommends that the State party strengthen mechanisms for ensuring transparent and inclusive budgeting allowing <b>children, civil society and the public to participate in all stages of the budgetary process</b>, including formulation, implementation, monitoring and evaluation, and by rolling out <b>children’s consultations</b> on planning and budgeting to all districts.”</p> <p>c) <b>Rest, leisure, recreation and cultural and artistic activities:</b></p> <p>“The Committee recommends that the State party guarantee the right of all children to engage in age-appropriate recreational activities, cultural life and the arts, based on the principles of inclusion, <b>participation</b> and non-discrimination, rest and leisure, including by ensuring their access to safe, accessible and inclusive spaces for play, recreation and cultural and sports activities, in line with the Integrated Child Rights Policy”</p> <p>d) <b>Freedoms of expression, association and peaceful assembly:</b></p> <p>“The Committee recommends that the State party take all measures to guarantee the freedoms of expression,</p>

	<p><b><u>Mikiko Otani (Japan)</u></b></p> <ul style="list-style-type: none"> <li>✓ Ms Otani commended Rwanda for adopting participation and the right to be heard as a priority area but asked how Rwanda understand the right to be heard?</li> <li>✓ How is it applied in custody, adoption and asylum proceedings?</li> <li>✓ How is the State ensuring the participation of children that are in the most vulnerable situations as for example children with disability or the Batwa children?</li> <li>✓ On Rwanda’s Integrated Child Rights Policy, Ms Otani said that child participation seems to be one of the first issues. The principle of the respect for the view of the child and the right the child to be heard, need to be included in all administrative of judicial matters that concern children, as the basis for the fulfillment of children rights.</li> </ul> <p><b><u>Faith Marshall-Harris (Barbados)</u></b></p> <ul style="list-style-type: none"> <li>✓ On the respect of the view of the child, how do the State decide which children are part of the national children forum?</li> <li>✓ How are children from vulnerable groups included and their views represented?</li> </ul>	<p><b>making in all matters related to children, including environmental matters.</b></p>	<p>association and peaceful assembly for all children, as provided under the Constitution and the Convention, and <b>ensure that children are supported and encouraged to form their own associations and initiatives.</b>”</p> <p><b>e) Adoption:</b></p> <p>“The Committee recommends that the State partyEnsure that the best interests of the child are the paramount consideration in all adoption cases, and that the <b>views of the child are heard and given due consideration in all types of adoption cases.</b>”</p> <p><b>f) Cooperation with civil society:</b></p> <p>“The Committee urges the State party to promptly and thoroughly investigate all allegations of intimidation of human rights defenders, including <b>child human rights defenders</b>, and their families, and ensure that they have adequate access to justice and are protected from future harassment, intimidation, retaliation and violence.”</p> <p><b>g) Access to appropriate information:</b></p> <p>“The Committee commends the State party for the significant increase in internet coverage and the adoption of the Child Online Policy, and recommends that the State party continue to expand access to the Internet and <b>information for children</b> in disadvantaged or vulnerable situations.”</p> <p><b>h) Violence, abuse and neglect:</b></p> <p>“ The Committee urges the State party to address the violence against and harassment of children...by <b>disseminating information among children</b>, parents, caregivers, teachers and staff working with and for</p>
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	<p><b><u>Luis Ernesto Pedernera Reyna (Uruguay)</u></b></p> <ul style="list-style-type: none"> <li>✓ The Chairperson reminded the State to answer the question on human rights defenders.</li> </ul>		<p>children on relevant complaint mechanisms and remedies in school settings.”</p>
<p>State of Palestine CRC</p>	<p><b><u>Hynd Ayoubi Idrissi (Morocco)</u></b></p> <ul style="list-style-type: none"> <li>✓ Children in Palestine are involved in joined-up public policies and there’s 15 parliamentary students. What are the selection criteria to choose the parliamentary students?</li> <li>✓ Are children facing difficult situations represented? And children with disabilities?</li> <li>✓ Has the state any plans to set up a mechanism to systematically gather children’s opinions?</li> </ul> <p><b><u>Bragui Gudbrandsson (Iceland)</u></b></p> <ul style="list-style-type: none"> <li>✓ The legislation on child rights often considers the child not as an independent entity but as the property of the family and does not allow the child to express his or her views in custody matters. When are you going to review this legal framework and bring it in line with international laws and regulations?</li> </ul>	<p>Noting the existence of about 50 students’ parliaments in the West Bank, the Committee is concerned about the <b>absence of a mechanism to systematically facilitate children’s effective engagement with national processes on issues that affect them.</b></p> <p>The Committee recommends that the State party <b>establish a consultative mechanism or structure to involve children in all affairs affecting them,</b> including in the design of laws, policies, programmes and services</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>a) Allocation of resources</b></p> <p>“The Committee is concerned that the preparation, approval, execution and monitoring of budgets lacks a <b>child rights perspective and the participation of civil society and children</b>”.</p> <p><b>b) Adolescent health</b></p> <p>“Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure <b>that their views are always heard and given due consideration as a part of the decision-making process</b>”</p> <p><b>c) Abuse and neglect</b></p> <p>“Further strengthen awareness-raising and education programmes – including campaigns – <b>with the involvement of children</b> in order to formulate a comprehensive strategy for preventing and combating violence against children, including a gender perspective”.</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 schools; administrative, judicial and custody matters; adoption; budget’s allocations; migration and asylum proceedings. Compared to the 82<sup>nd</sup> session, the questions raised by the Committee on child participation were not mostly referring to the general principle of the Respect for the Views of the Child but also on other clusters. Notably, during this session there has been an increasing number of questions relating to participation of childrens with disabilities and child participation in youth parliaments and councils.

In this session, there were not explicit questions in which the Committee used the term “Child Human Rights Defenders” (CHRDs). However, during the dialogue with Rwanda, the Committee asked about human rights defenders in general and made a reference to CHRDs in the Concluding Observations. The recommendation urged the State of Rwanda “to promptly and thoroughly, investigate all allegations of intimidation of human rights defenders, including **child human rights defenders**, and their families, and ensure that they have adequate access to justice and are protected from future harassment, intimidation, retaliation and violence”.

Compared to the 82<sup>nd</sup> session, the Committee experts raised two questions using the term CHRDs but did not make recommendations on CHRDs in the Concluding Observations.

This monitor also highlights that Article 17 on access to information for children was often referred to by the Committee, including on topics of preventing substance abuse, including tobacco and alcohol (adolescence health); online behaviour, including preventive strategies against online abuse and exploitation (access to appropriate information); administration of child justice; freedom of expression, association and peaceful assembly; Internet and digital technologies in education (civil rights and freedoms), children with disabilities; reproductive health, forms of contraception (adolescent health); relevant complaint mechanisms and remedies in school settings (violence, abuse and neglect).

For the 83<sup>rd</sup> session, in the Concluding Observations (COBs), the Committee integrated children’s participation into other clusters for all six States reviewed under the CRC, notably in the clusters:

- **General measures of implementation:** Allocation of resources; cooperation with civil society; Dissemination, awareness raising and trainings)
- **Civil rights and freedoms** (Freedom of expression, association and peaceful assembly; access to appropriate information)
- **Violence against children** (Violence, including sexual violence, abuse and neglect; corporal punishment; sexual exploitation and abuse; harmful practices; gender-based violence and sexual abuse; gang violence)
- **Family environment and alternative care** (Adoption; Impact of climate change on the right of the child)
- **Disability, basic health and welfare** (Children with disabilities; Adolescent health; standard of living)

- **Education, leisure and cultural activities** (Education, including vocational training and guidance; Rest, leisure, recreation and cultural and artistic activities)
- **Special protection measures** (Children in a situation of migration; Children belonging to indigenous and Afro-descendant peoples).

Since the 76<sup>th</sup> session, the Committee has always integrated child participation into other clusters for all States reviewed under the CRC for each session.

The subtopics in which most reference were made to the Respect for the views of the child in the COBs were children with disabilities, corporal punishment and allocation of resources, followed by violence, abuse and neglect and adolescent health. Additionally, the Committee recommendations on the general principle of the Respect for the Views of the Child, mainly focused on hearing the children views within courts, legal and administrative proceedings, migration and asylum-seeking processes, community, public forums and schools. The recommendations on Article 12 also considered the inclusion of children in public decision-making and in all matters related to them or that children identify as being of most concern for them. Finally, the principle was also included in encouraging and supporting the participation of all children (including children with disabilities, vulnerable children, indigenous, migrant and asylum-seeking children) in children parliaments, national youth councils, children summits, youth organizations.

Moreover, in the COBs of Rwanda, Hungary, Austria, Costa Rica and State of Palestine, 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”. Such recommendation was not made in the COBs for the Belarus. In the previous session, only the COBs of four states contained the above mentioned recommendation.