

## 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 88<sup>TH</sup> SESSION

(6<sup>TH</sup> SEPTEMBER – 24<sup>TH</sup> SEPTEMBER 2021)

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

During its 88<sup>th</sup> [session](#), the UN Committee on the Rights of the Child (Committee) reviewed the following States: Czech Republic, Poland, Eswatini and Switzerland. 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
<b>Czech Republic</b> <b>CRC</b>	<p><u>Velina Todorova (Bulgaria)</u></p> <p>✓ Ms Todorova asked about the involvement of civil society organisations in monitoring and drafting</p>	<p>The Committee recommends to the State party to:</p> <p>a. <b>Abolish any age limit on the right of children to express their views</b> and ensure that children's views are given due consideration in all matters and processes concerning them, especially through direct hearing;</p> <p>b. Ensure mandatory <b>legal representation of children in judicial proceedings;</b></p>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>General measures of implementation:</b> "Raise awareness about the Optional Protocol to the Convention on individual communications (OPIC) and provide capacity-building activities aimed at training relevant actors, <b>including children and/or child human rights defenders</b>, on OPIC."</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>policies on children's rights. Therefore she asked if the children are invited and consulted.</p> <p><b><u>Richen Chopel (Bhutan)</u></b></p> <p>✓ Mr Chopel stated that the State party should abolish any age limit on the right of children to express their views.</p> <p><b><u>Sopio Kildaze (Georgia)</u></b></p> <p>✓ The declaration for an assembly had to be done by a person above 18 years old. Thus, Ms. Kildaze asked why Czech Republic doesn't give the rights to children to organize and participate in an assembly.</p>	<p>c. Resume the consideration of the draft law on the development of youth participation;</p> <p>d. <b>Encourage, promote and support the participation of children in school parliaments and the National Parliament of Children and Youth</b> throughout the territory, with particular attention to children in vulnerable situations; and ensure that children's views expressed through these channels truly impact political discussions and decisions affecting them.</p>	<p><b>Family environment and alternative care:</b>          "The Committee notes the legislative amendments that transformed adoption into a form of parenting, require consent for adoption for a child above 12 and <b>oblige adoptive parents to inform the child of adoption before starting school.</b>"</p> <p><b>Basic health and welfare:</b>          "Evaluate the child and adolescent health strategy and formulate a subsequent strategy and an action plan with a dedicated budget and a monitoring mechanism, <b>with the participation of children.</b>"</p> <p><b>Special protection measures:</b>          "The Committee <b>urges</b> the State party to ensure that the best interests of the child are a primary consideration, that children are heard in asylum and migration-related procedures and <b>that their views are duly taken into account</b>; and establish a procedure for best interests determination in such procedures and build the authorities' capacity to apply it."</p>
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<p><b>Poland CRC</b></p>	<p><b>Velina Todorova (Bulgaria)</b>          ✓ Ms Todorova requested the delegation to provide clarification and give more details about the way youth councils operated, who could become a member, how the members were recruited and what the agenda of those councils was.</p>	<p>The Committee recommends to the State party to:</p> <ol style="list-style-type: none"> <li>a. Ensure the adoption of regulations and their effective and consistent implementation of <b>the right of the child to be heard in all relevant judicial and administrative processes concerning them</b>, including in civil and criminal courts, migration and asylum-seeking processes, parental and alternative care;</li> <li>b. Reinforce measures to ensure that professionals working with and for children <b>systematically receive appropriate training on hearing and taking into account children’s views in all decisions affecting them.</b></li> </ol>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>General measures of implementation:</b>          The Committee encourages the State party to “take measures to ensure transparent and participatory budgeting through public dialogue, especially <b>by encouraging child participation</b> and building the capacity of children and of the authorities involved”.</p> <p><b>Basic health and welfare:</b></p> <ol style="list-style-type: none"> <li>a. The Committee urges the State to “decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, <b>making sure that their views are always heard and given due consideration</b> as a part of the decision-making process”.</li> <li>b. <b>The Committee recommends, in particular, that the State party</b> “place the rights and <b>participation of children</b> at the centre of national and international climate change adaptation and mitigation strategies”.</li> </ol> <p><b>Special protection measures:</b>          The Committee urges the State party to “ensure that <b>children’s views are duly taken into account</b> in all decisions concerning them, including in the administrative procedures”. The State party must also “ensure that all children in situations of migration, including undocumented and separated children, receive appropriate protection, <b>are informed about their rights in a language they understand</b>”.</p>
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<p><b>Eswatini CRC</b></p>	<p><b><u>Hind Ayoubi-Idrissi (Morocco)</u></b></p> <p>✓ Ms. Ayoubi-Idrissi asked what steps are being taken to ensure child participation and what is being done to address cultural resistance.</p> <p><b><u>Ann Skelton (South Africa)</u></b></p> <p>✓ Ms Skelton noted that Eswatini tells anything in its report about the child's opinion.</p>	<p>The Committee urges the State party <b>to ensure the meaningful participation of children in the design and implementation of policies and programmes</b> aimed at achieving all 17 Sustainable Development Goals as far as they concern children.</p> <p>The Committee also notes that the Children's Protection and Welfare Act provides for the participation of children in matters that concern them.</p> <p>The Committee recommends to the State party to:</p> <p>a. Establish a <b>platform for children's structured participation</b> and consider re-establishing the <b>Children's Parliament Forums</b>;</p> <p>b. <b>Promote meaningful and empowered participation of all children within the family, communities and schools and include children in decision-making in all matters related to them.</b></p>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>Basic Health and welfare:</b></p> <p>The Committee recommends that the State party:</p> <p>a. "ensure girls access to family planning services, affordable contraceptives and safe abortion and post-abortion care services, and ensure <b>that their views are always heard and given due consideration</b> in abortion decisions".</p> <p>b. "increase the efficiency in biomass usage to protect the forest ecosystems and accelerate the transition to renewable energy; reduce vulnerability of children to the impacts of climate change by building their adaptive capacity and resilience; <b>ensure that their special vulnerabilities and views are taken into account</b> in preparing early warning systems and disaster risk management plans".</p>
<p><b>Switzerland CRC</b></p>	<p><b><u>Benoît Van Keirsbilck (Belgium)</u></b></p> <p>✓ Regarding the issue of lowering the voting rights in Switzerland, Mr. Van Keirsbilck asked what is the possibility for children to be involved in structures of a political nature.</p>	<p>As one of the main recommendations, the Committee urges 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.</p> <p>The Committee also recommends to the State party to:</p> <p>a. <b>Guarantee children's right to be heard in any decision affecting them</b>, including in criminal and asylum proceedings, and ensure that this</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>General measures of implementation:</b></p> <p>"Ensure that a body for children's rights at the federal level is provided with the human, technical and financial resources necessary for its effective operation, <b>and includes the participation of children and civil society</b>".</p> <p><b>General principles:</b></p> <p>"Evaluate, <b>with the participation of children and civil society</b>, existing measures aimed at combating discrimination against children in</p>

		<p>guarantee extends to children with disabilities, children in alternative care, young children and asylumseeking, refugee and migrant children;</p> <p>b. <b>Strengthen measures to promote the meaningful and empowered participation of all children</b>, in particular children in disadvantaged situations, within the family, the community and in schools, such as by developing toolkits for consulting children on national policy issues, introducing school councils, and ensuring that the outcomes of children’s councils and parliaments and the federal youth session are systematically fed into public decision-making;</p> <p>c. <b>Develop initiatives aimed at increasing child participation</b> and ensuring that <b>children’s views are taken into account by local authorities</b>, such as developing relevant guidelines for cantons and municipalities and ensuring that programmes funded under the Extracurricular Activities Act have a child participation component;</p> <p>d. Develop operational procedures or protocols for professionals working with and for children <b>to ensure that due weight is given to the views of children in all proceedings.</b></p>	<p>disadvantaged situations, in order to assess their impact and revise measures accordingly”.</p> <p><b>Violence against children:</b>  “Prohibit the performance of unnecessary medical or surgical treatment on intersex children where those procedures may be safely deferred <b>until children are able to provide their informed consent</b>”.</p> <p><b>Family environment and alternative care:</b>  “Ensure that children in alternative care are heard in decisions affecting them throughout their stay, and that relevant authorities have the technical capacities required to <b>guarantee respect for children’s views in alternative care</b>”.</p> <p><b>Basic health and welfare:</b>  “Ensure that <b>children’s needs and views are systematically taken into account</b> in developing policies and programmes addressing climate change”.</p> <p><b>Special protection measures:</b>  “Ensure that <b>all children, including children below 14 years of age and children who are accompanied by their parents or family members, have their views heard</b> in migration and asylum processes in all situations”.</p>
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## 2. ANALYSIS

The Committee continued to raise questions and issue recommendations on children’s participation within the cluster General Principles under Respect for the views of the child (Art. 12), as well as integrating the principle into other clusters. The questions raised by the Committee experts regarding the Respect for the views of the child mainly included hearing children views within schools; family; medical and judicial matters; migration and asylum proceedings. In particular, the Committee called on Poland, the Czech Republic and Switzerland to take into account the views of children in migration and asylum procedures.

The Committee also made some recommendations on the participation of children regarding policy-making on climate change.

During the dialogues with the four State Parties, the Committee asked about children’s freedom of expression and association and their right to peaceful assembly. It also requested more information about the mechanisms for children’s participation within each state.

However during dialogues, there were no explicit questions in which the Committee used the term “Child Human Rights Defenders” (CHRDs).

For the 88<sup>th</sup> session, in its Concluding Observations, the Committee integrated children’s participation into other clusters for the four States reviewed under the CRC, notably in the following clusters:

- **General measures of implementation** (Allocation of resources; Dissemination, awareness-raising and training; Coordination)
- **General Principles** (Non-discrimination)
- **Violence against children** (Harmful practices)
- **Family environment and alternative care** (Children deprived of a family environment; Adoption; Impact of climate change on the right of the child)
- **Basic health and welfare** (Health and health services; Adolescent health)
- **Special protection measures** (Asylum-seeking and refugee children and children in situations of migration)