

CHILDREN'S PARTICIPATION MONITOR

ANALYSIS OF HOW CHILDREN'S PARTICIPATION WAS ADDRESSED BY THE UN COMMITTEE ON THE RIGHTS OF THE CHILD DURING ITS 78TH SESSION

(14 MAY -1 JUNE 2018)

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

During the 78th session, the UN Committee on the Rights of the Child (Committee) reviewed the following States: **Argentina, Angola, Russia, Montenegro, Algeria, Lesotho and Norway**. 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 [here](#).

Country	Committee comments and questions during the dialogue ¹	Reference to children's participation in the Cobs	
		As a general principle / Respect for the views of the child	Other clusters
<i>Montenegro</i>	<p><u>Mikiko Otani (Japan):</u></p> <p>✓ Worried about the treatment of child parliaments in schools, mentioning that they are restricted only to formality, not stimulating children to express their views or being taken seriously, especially children with disabilities.</p>	<p>Amend the Family Law to ensure the right of all children who are capable of forming their views to be heard in all legal proceedings, including on the appointment or replacement of the support person appointed to the child, and provide relevant training for social workers and administrative and court authorities;</p> <p>Conduct programmes and awareness-raising activities to promote the meaningful and</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p>a) Children in street situations: "Develop a comprehensive strategy to address the root causes of the large number of street children ... with the active involvement of children in street situations."</p>

¹ This is a list of questions raised by the Committee members based on the internal notes taken by Child Rights Connect. Some questions might not have been captured.

	<ul style="list-style-type: none"> ✓ Worried that in the context of the family in judicial and administrative procedures the principle remains absent. ✓ Are children’s parliament equipped to hear the voices of children? 	<p>empowered participation of all children in the family, community and schools and in all judicial and administrative procedures concerning them, with particular attention to girls and children in disadvantaged or vulnerable situations, including children with disabilities;</p> <p>Develop toolkits to standardize public consultations with children on national policy development, and ensure a high level of inclusiveness and participation of children in such consultations;</p>	<p>“Ensure that support are provided with full respect for the child’s best interests (...) and give due weight to their autonomous views</p>
<p><i>Angola</i></p>	<p><u>Kirsten Sandberg (Norway)</u></p> <ul style="list-style-type: none"> ✓ Highlighted that participation need guidelines and trained professionals to listen to the children. ✓ How does the government guarantee the participation of children in judicial procedures and school? ✓ Which follow up procedures your country has concerning children forums? <p><u>Hynd Ayoub (Bahrain)</u></p> <ul style="list-style-type: none"> ✓ Is there a possibility of children to present complaints and if so, how the government would deal with confidentiality protection of children who participate? 	<p>The Committee welcomes the practice of holding national and provincial assemblies of children the day before each edition of the National Children’s Forum, the guidelines on child participation being prepared by the National Institute of the Child and the National Child Participation Strategy. The Committee recommends that the State party continue to strengthen its efforts to ensure that children’s views are given due consideration</p>	<p>The Committee refers to child participation under General Measures of Implementation recommending:</p> <p>a) Corporal punishment: “Strengthen training programmes for teachers and public education, awareness-raising and social mobilization programmes involving children”</p> <p>b) Adolescent health “Decriminalize abortion in all circumstances on the occasion of the revision of the Penal Code, and ensure access to safe abortion and post-abortion care services for adolescent girls and also that their views are always heard and given due consideration as a part of the decision-making process”</p> <p>c) Children in street situations “Assess the number of children in street situations, undertake studies on the root causes of the large number of children in street situations and develop a comprehensive strategy, with the involvement of such</p>

			<p>children, to address those causes, with the aim of reducing and preventing this phenomenon; Facilitate either reintegration with their families or placement in alternative care for children in street situations, while fully respecting the children’s best interests and giving due weight to their views in accordance with their age and maturity.”</p>
<p><i>Argentina</i></p>	<p>Luis Pedernera (Uruguay):</p> <ul style="list-style-type: none"> ✓ Welcomed the creation of a youth centre, where young people can have a space for exchanging ideas and exercising their participation. ✓ Will children be actively involved on the IMF deal impact assessment? 	<p>Encourages the State party to ensure that children’s views are given due consideration, in the family, at school, in the courts and in all relevant administrative and other processes concerning them through, inter alia, the adoption of appropriate legislation, the training of professionals, including by strengthening the role of lawyers representing children to fully guarantee their right to be heard in legal proceedings, and the establishment of specific activities at schools and general awareness-raising.</p>	<p>The Committee referred to the importance of child participation in:</p> <p>a) Adolescent health: “Ensure access to safe abortion and post-abortion care services for adolescent girls, ensuring that their views are always heard and given due consideration as part of the decision-making process”; “Ensure that sexual and reproductive health education is part of the mandatory school curriculum, and that it is developed with the involvement of adolescent girls and boys, with special attention paid to preventing early pregnancy and sexually transmitted infections”</p> <p>b) Access to appropriate information: “Take measures to increase access by children to appropriate information, including online, especially for those who live in remote and rural areas and indigenous and migrant children, in conformity with their age, maturity and cultural background”</p> <p>c) Family environment and alternative care: “ensure accessible complaints mechanisms for children in State residential and foster care”;</p>

<p>Norway</p>	<p><u>Mikiko Otani (Japan):</u></p> <ul style="list-style-type: none"> ✓ Could children themselves launch complains to office of ombudsman for education? Is it was child-friendly and staff trained? ✓ Are children themselves being heard in family and school, including groups of children and whether it was practiced in all administrative and judicial cases? ✓ Are the youth forums in Norway being supported and have accessibility to all groups of children? 	<p>Increase its efforts to strengthen compliance in practice with the child’s right to be heard, particularly with regard to children who are more vulnerable to exclusion in this regard such as children with disabilities, children of a younger age, and migrant, asylum-seeking and refugee children;</p> <p>Ensure that relevant professionals are regularly trained on implementing an age-appropriate, meaningful and empowered participation of children in decisions affecting their lives and sensitising parents on the positive impact of respecting the views of their children;</p> <p>Strengthen the implementation of the child’s right to be heard in asylum and expulsion procedures affecting children, particularly with respect to younger children, and ensure that children are given the possibility to be heard individually in all instances in all cases affecting them;</p> <p>Ensure that children are informed about their possibility to participate in mediation processes in the context of their parents’ separation;</p> <p>Increase its efforts to ensure the meaningful participation of children through youth councils or other forums accessible to all children in all municipalities, address disparities in this regard, and consider making the availability of these forums or other forms of child participation bodies mandatory for each municipality.</p>	<p>None</p>
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<p><i>Lesotho</i></p>	<p><u>Ann Skelton (South Africa):</u></p> <ul style="list-style-type: none"> ✓ Welcomed the creation of a children’s parliament to bring their priority issues. ✓ How the country support, allocate resources and provide accessibility to all groups of children in the children’s parliament? ✓ Does the government promote awareness on the respect on the views of the child inside the community? ✓ Does the views of the children are taken into account in the proceedings in alternative care and judicial cases? 	<p>the Committee recommends that the State party ensure continuous funding and support for the Children’s Parliament as a platform for the meaningful participation of children. The State party should also ensure that children’s views are given due consideration in the family, in the community, at schools, and in all legal and administrative decision-making process relevant to them, in particular in court proceedings concerning them, through awareness-raising activities at both the national and community levels on the participation of children and through the training of associated professionals.</p>	<p>The Committee referred to the importance of child participation in:</p> <p>a) Children in street situations Ensure that support for family reintegration or placement in alternative care is provided with full respect for the child’s best interests and giving due weight to their autonomous views, in accordance with their age and maturity.</p> <p>b) Abuse, neglect and sexual exploitation and abuse Inadequate structures in place to support child victims of violence, such as shelters and counselling, and inadequate rehabilitation and reintegration procedures for child victims of crimes or child witnesses involved in court proceedings.</p> <p>c) Legislation Adopt the CPWA Amendment Bill through a consultative and participatory process involving civil society organizations and children, along with regulations for the implementation of CPWA and allocate adequate human and financial resources for its implementation.</p>
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<i>Russia OPSC</i>	None	None	None
<i>Algeria OPAC</i>	None	None	None

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 very specific and concrete, and the Cobs of Lesotho, Argentina and Angoal were particularly elaborated on the topic.

The questions asked by the Committee members were more numerous and detailed than in the previous session (77th session), raising the level of detail and frequency. Notably, the Cobs on children’s participation in Argentina and Lesotho contained very detailed recommendations related to adolescent health. It is worth to note that the Committee members expressed a particular concern over the situation of the right to be heard in Sri Lanka, mentioning in the Cobs that it “recommends that the State include the right to be heard in all relevant legislations”.

In the Concluding Observations, the Committee integrated children’s participation into other clusters for 7 States reviewed. For the 78th session, children’s participation was referred to in the sections related to:

- Corporal Punishment
- Right to be heard
- Adolescent health
- General measures of implementation
- Harmful practices
- Impact of climate change on the rights of the child
- Children deprived of a family environment

The subtopic in which more reference was made to the “respect of the views of children” were both adolescents’ health and children in street situations, specifically in regards to decriminalization of abortion and the inclusion of children in the planning of policies to address the issue of street children. The topic of child participation was integrated in other clusters, rather other than “General principles” in 7 States reviewed under the CRC, namely violence against children; education, leisure and cultural activities and special protection measures. In terms of the grouping in clusters, it follows a similar pattern of the 76th session, where likewise, the topic was integrated in other clusters for all 6 States revised. Unfortunately, an explicit link between children’s participation and civil rights and freedoms remained absent in the Cobs.

Interestingly, all the issues raised by the Committee members during the dialogue concerning the participation of children were after addressed in the Cobs. Both revisions of Norway and Montenegro contained quite detail recommendations under the cluster of General Principles on measures to ensure that professionals are properly trained on involving children in judicial and administrative procedures. On the other hand, while revising the implementation of the Optional Protocols in Russia and Algeria, neither the Committee members in their questions nor the COBs addressed the topic of child participation.