

## CHILD EMPOWERMENT MONITOR

### ANALYSIS OF HOW CHILDREN'S EMPOWERMENT WAS ADDRESSED BY THE UN COMMITTEE ON THE RIGHTS OF THE CHILD DURING ITS 81ST SESSION

(13 MAY– 31 MAY 2019)

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

During the 81<sup>st</sup> session, the UN Committee on the Rights of the Child (Committee) reviewed the following States: **Botswana, Cabo Verde, Côte d'Ivoire, Malta, Singapore, Tonga and Sri Lanka**. The table below includes 2 sections that highlight 1) how the Committee has brought up the issue of children's empowerment and particularly as human rights defenders, 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, empowerment and children acting as human rights defenders 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, empowerment and as 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 in the COBs	
		As a general principle / Respect for the views of the child	Other clusters
<i>Cabo Verde CRC</i>	<p><b><u>Luis Ernesto Pedernera Reyna (Uruguay)</u></b></p> <p>✓ Commended the creation of the Youth Parliament; but still concerned that the right of children to express their views is not expressly referred to in the Statute; what measures will be taken to ensure that children will take a</p>	<p>The Committee recommends to the State party to:</p> <p>Review the Statute of the Child and Adolescent to <b>ensure that children's views are given due consideration in all matters concerning them</b>, including administrative and judicial procedures;</p> <p>Promote <b>meaningful participation of children</b> and include them in decision-making in all matters related to them, including environmental matters,</p>	<p>a) <b>Corporal punishment:</b></p> <p>“Raise the awareness of parents, professionals working with children and the public in general of the harm caused by corporal punishment and promote positive, non-violent and <b>participatory forms</b> of child-rearing and discipline.”</p> <p>b) <b>Sexual exploitation and abuse:</b></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>leading role and that their opinion is taken into account?</p>	<p>with particular attention to girls and children in vulnerable situations.</p>	<p>“Conduct awareness-raising activities, <b>with the participation of children</b>, to prevent child sexual exploitation and abuse and to combat the stigmatization of child victims of sexual abuse, including incest, particularly targeting children, families, communities and schools.”</p> <p><b>c) Aims of education:</b></p> <p>“Strengthen its efforts to ensure a non-stereotyped educational curriculum to help address the structural causes of gender discrimination and to ensure that curricula include rights-based environmental education and <b>encourage direct participation of children</b> in environmental protection as a component of their learning process.”</p> <p><b>d) Impact of climate change on the rights of the child:</b></p> <p>“Ensure that the special vulnerabilities and needs of children, as well as <b>their views, are taken into account</b> in developing policies and programmes addressing the issues of climate change and disaster risk management.”</p> <p><b>e) Children in street situations:</b></p> <p>“Strengthen its efforts to provide adequate support to children in street situations, with full respect for the child’ s best interests and <b>giving due weight to their autonomous views</b> in accordance with their age and maturity, particularly in the main urban centres of Praia and Mindelo and the touristic island of Sal.”</p>
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<p><i>Botswana CRC</i></p>	<p><b><u>Velina Todorova (Bulgaria)</u></b></p> <ul style="list-style-type: none"> <li>✓ Commended the clear legal stipulation prescribing that a child of 10 years or more should be heard in all matters affecting them.</li> <li>✓ The Minister of defence, Justice and security is open to working with children and CS, is there any progress in this regard?</li> </ul>	<p>“Ensure that <b>children’s views are given due consideration in courts, schools</b>, relevant administrative and other processes concerning children and in the family through, inter alia, the training of professionals working with and for children and the development of operational procedures or protocols to ensure respect for the views of children in administrative and judicial proceedings;</p> <p>Conduct awareness-raising activities to <b>promote the meaningful and empowered participation of all children</b> in the family, the community and schools, including within school councils, paying</p>	<p><b>a) Corporal punishment:</b></p> <p>“Raise awareness of parents, teachers, professionals working with children and the public in general to the harm caused by corporal punishment and promote positive, non-violent and <b>participatory forms</b> of child-rearing and discipline.”</p> <p><b>b) Rest, leisure, recreation and cultural and artistic activities:</b></p> <p>“strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in age-appropriate</p>

	<ul style="list-style-type: none"> <li>✓ Are parents and teachers aware of this specific right? Are there policies to promote child participation in families and at schools?</li> <li>✓ Commended the platforms available for children’s participation in school life such as the Children’s representative Forums; are teachers and school masters trained to encourage children to participate? How are children’s views taken? Do children use these platforms or others that may exist?</li>   <li>✓ Asked to share the positive outcomes and challenges from the Children Consultative Forum.</li>   <li>✓ Are traditional leaders informed about child participation? Do they seek children’s opinions when it comes to decisions taken locally affecting children?</li> </ul>	<p>particular attention to girls, children with disabilities and children affected by HIV/AIDS.</p>	<p>recreational activities, cultural life and the arts, based on the principles of inclusion, participation and non-discrimination.”</p> <p><b>c) Legislation:</b></p> <p>“Fully harmonize its legislation with the principles and provisions of the Convention, in close <b>consultation with children</b> and civil society organizations”</p>
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<p>Malta CRC</p>	<p><b><u>Velina Todorova (Bulgaria)</u></b></p> <ul style="list-style-type: none"> <li>✓ Concern that there are no explicit legal safeguards for children to express themselves in all matters affecting them in all judicial proceedings; at present for example the judge is the one to decide whether a child advocate to represent a child is to be assigned or not. There is no evidence that the pending of adoption of the Minor's protection Act will address this issue. Asked clarifications on this.</li> <li>✓ What does the law say about child participation in the family? Are parents advised to consult the children regarding them?</li> <li>✓ Are there sufficient and friendly mechanisms for hearing of children in vulnerable situations like children with disabilities, children migrant and refugees, victims of trafficking and sexual exploitation?</li> <li>✓ Commented on the draft national children policy recognizes the <i>"participation of across all sectors of society, children should be encouraged and empowered to stand up for their rights, recognition is given to the needful children to be</i></li> </ul>	<p>Strengthen its efforts to <b>ensure respect for the right of all children to be heard in all matters affecting them</b>, in the family, at schools, in the courts and in all relevant administrative and other processes, including children in vulnerable and marginalized situations, such as children with disabilities, and asylum-seeking, refugee and migrant children, and ensure that due weight is given to their views in accordance with their age and maturity;</p> <p>Ensure that professionals working with and for children systematically receive <b>appropriate training on hearing and taking into account children's views</b> in all decisions affecting them and in accordance with the child's age and maturity;</p> <p>Conduct awareness-raising programmes, including campaigns, to <b>promote the meaningful and empowered participation of all children</b> within the family, the community and schools, including within student councils, with particular attention to children in vulnerable and marginalized situations;</p> <p>Ensure the <b>adoption and effective implementation of the Council of Europe Child Participation Assessment Tool</b> in order to</p>	<p><b>a) Corporal punishment:</b> "Promote alternative positive, non-violent and <b>participatory forms</b> of child-rearing and discipline."</p> <p><b>b) Environmental health:</b> "Place the rights and <b>participation of children</b> at the centre of national and international climate change adaptation and mitigation strategies."</p> <p><b>c) Adolescent health:</b> "Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that <b>their views are always heard and given due consideration</b> as part of the decision-making process."</p> <p><b>d) Children deprived of a family environment:</b> "Ensure that children are removed from the family only as a measure of last resort and only after an appropriate assessment of the best interests <b>and the views of the child</b>, and ensure that placement is appropriate to meet the needs of the child, and that younger children are not placed with older children in the same " residential home ""</p>
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	<p><i>provided with the necessary practical and psychological support according to their level of maturity to make the best possible decisions for themselves".</i> Emphasis on the fact that the Convention does not give the right to the child to make their own decision but to express wishes which should be given due.</p> <ul style="list-style-type: none"> <li>✓ Asked for more clarity on current situation and practices in general. Many school councils exist in local independent schools, what about other types of schools? Are children involved in discussing school matters, on the curriculum? Are they involved in the drafting on the policies against bullying and gender equality?</li> <li>✓ There has been a training for professionals working with children on child-friendly communication in particular when a child is in a vulnerable situation. Are there any tools or regulations adopted for professionals to assist them in hearing children in such a situation? Are there child-friendly places to hear those children?</li> </ul>	<p>standardize participation of and consultation with children on issues that affect them.</p>	
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	<ul style="list-style-type: none"> <li>✓ In cases of divorce or custody, should the judge require the child to be heard directly or indirectly?</li> </ul>		
<p>Côte d'Ivoire CRC</p>	<p><b><u>Hynd Ayoubi Idrissi (Morocco)</u></b></p> <ul style="list-style-type: none"> <li>✓ Concerned that the principle of respect of the opinions of the child is not expressly recognized legally.</li> <li>✓ What is done to ensure that the Children's Parliament does not exclude children that do not possess a high academic performance or who are not in school at all?</li> </ul> <p><b><u>Philip Jaffé (Switzerland)</u></b></p> <ul style="list-style-type: none"> <li>✓ Commended the recognition of free speech by Constitution; the existence of the Youth Parliament being the proof.</li> <li>✓ What are the criteria to choose the members of the Youth Parliament? Does the Parliament have administrative support? Does it have a budget? Do children have free speech during the activities? Do the children have control over the budget, can they make initiatives?</li> </ul>	<p>Introduce a <b>comprehensive legal provision establishing the right of the child to be heard without any discrimination</b> due to age, disability or any other circumstance, in any administrative and judicial proceedings and ensure that the child's opinion is taken into account in accordance with the child's age and maturity;</p> <p><b>Promote meaningful and empowered participation of all children</b> within the family, communities and schools, including in decision-making in all matters that affect them.</p>	<p><b>a) Corporal punishment:</b> "Promote alternative positive, non-violent and <b>participatory forms</b> of child-rearing and discipline."</p> <p><b>b) Adolescent health:</b> "Repeal article 366 of the 1981 Law, in order 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"</p> <p><b>c) Cooperation with civil society:</b> "Strengthen protection mechanisms for human rights defenders and amend the Act of 20 June 2014 to ensure that <b>child human rights defenders</b> are addressed."</p>

<p>Singapore CRC</p>	<p><b>Mikiko Otani (Japan)</b></p> <ul style="list-style-type: none"> <li>✓ Asked clarifications on a part of the state party's report stating that children are heard and child representatives are appointed in court proceedings on matters affecting children such as custody cases, where appropriate. What does "appropriate" stand for? Is there any age criterion? Are all children in all administrative and judicial proceedings affecting them?</li> <li>✓ Regarding child-specific platforms, one has the impression that the existing platforms are designed for the youth over 18 years or older children adolescents. Asked to confirm the truthfulness of that statement and inform the Committee whether there are other platforms for children to be involved in law and policy development and changes that affect them?</li> <li>✓ Are there efforts made to ensure existing platforms accessible to all children, in particular those who tend to be marginalized?</li> <li>✓ How is the respect for the views of the child integrated in the various</li> </ul>	<p>Strengthen its efforts to <b>ensure that children's views are heard and given due consideration</b> in the family, at schools, in the courts and in all relevant administrative and other processes concerning children;</p> <p>Adopt appropriate legislation, train parents and professionals <b>working with</b> and for children, and establish operational procedures or protocols for such professionals;</p> <p>Conduct programmes and awareness-raising activities to <b>promote the meaningful and empowered participation of all children</b> within the family, schools and the community, paying particular attention to children in vulnerable situations.</p>	<p>a) <b>Corporal punishment:</b></p> <p>"Conduct campaigns aimed at raising awareness on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice and involve children, parents, teachers and other persons working with or for children so as to promote positive, non-violent and <b>participatory forms</b> of child-rearing and discipline."</p>
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	<p>programmes to promote positive parenting, support fathers and promote family education?</p>		
<p>Tonga CRC</p>	<p><b>Clarence Nelson (Samoa)</b></p> <ul style="list-style-type: none"> <li>✓ Par. 241 in the state party report: “traditionally <i>children are requested to listen and not to question the words of elders</i>”. What is the Tonga government doing to encourage child participation other than the existence of the National Youth Congress?</li> <li>✓ Children's views on questions related to environment issues: since climate change is the most pressing issue in the coming decades. What is the government doing to raise awareness on these issues in schools for instance? Does the government encourage children to participate in</li> </ul>	<p>Promote <b>meaningful and empowered participation of all children</b> within the family, communities and schools and include children in decision-making on all matters related to children, including environmental matters;</p> <p>Develop <b>mechanisms for the systematic participation of children</b> in the development and implementation of laws, policies and programmes relating to children;</p> <p>Continue supporting the <b>Tongan National Youth Congress</b> by increasing its legitimacy and effectiveness and providing it with the necessary resources.</p>	<p>a) <b>Education, including vocational training and guidance:</b></p> <p>“Update curricula to be responsive to the rapidly changing environment and <b>encourage direct participation of children in environmental protection</b> as a component of their learning process”</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>making sure that their views are always heard and given due consideration</b> as a part of the decision-making process”</p> <p>c) <b>Children deprived of a family environment:</b></p>

	<p>movements such as the strike of March 15<sup>th</sup> 2019 that children conducted to fight against the inaction of their government on climate change?</p> <p><b><u>Philip Jaffé (Switzerland)</u></b></p> <ul style="list-style-type: none"> <li>✓ We talk a lot about protection, about providing services, but what about child participation? With relation to school, in what way are children invited to participate in the activities and how do they express their views? What kind of petitioning can they make? Is there some thought within the government services to promote participation, particularly in a society that values traditional organization?</li> </ul> <p><b><u>Bragi Gudbrandsson (Iceland)</u></b></p> <ul style="list-style-type: none"> <li>✓ Finds interesting the fact that the culture in Tonga involves the large family to take care of a child. He then inquired about the participatory part of children in the process of decision-making when the large family comes together- assuming there is a professional supervision of the procedure?</li> </ul>		<p>“Set up a formal alternative care system, develop an alternative care policy and minimum standards for regulating alternative care for children and <b>take children’s views into consideration</b> when making any decisions about alternative care.”</p> <p>d) <b>Mental health:</b></p> <p>“Undertake a study and develop a national strategy to address the issue of suicide, in cooperation with civil society and <b>taking into account the views of children</b>”</p>
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	<p>What is their role in the decision-making? Although mostly it is an informal process.</p>		
<p><i>Sri Lanka OPSC</i></p>	<p>None</p>	<p>None</p>	<p>a) <b>Measures to prevent and address online child sexual exploitation and abuse</b></p> <p>“<b>Child participation</b> in the development of policies and practices”</p>

## 2. ANALYSIS

The Committee continued to raise questions and issue recommendations on children’s participation and empowerment as human rights defenders within the cluster General Principles under Respect for the views of the child (Art. 12), but importantly and increasingly integrating these principles into other clusters.

The questions asked by the Committee members were more detailed and specific to the country's context and some referred to the State report; the questions on participation, empowerment and human rights defenders were also more numerous than in the two previous sessions (79<sup>th</sup> and 80<sup>th</sup> session). The questions raised by the Committee mainly focused on the general principle of the Respect for the Views of the Child, children’s participation in the family, in school settings and in judicial proceedings affecting them, including custody and divorce cases as well as in adoption matters and also related the existence of child-friendly mechanisms to hear children in vulnerable. There were questions posed by the Committee relating specifically to the protection and empowerment of children acting as human rights defenders; but the term itself was less frequently used than the previous 80<sup>th</sup> session.

In the Concluding Observations - similarly to the two previous sessions, the Committee integrated children’s participation into other clusters for all six States reviewed under the CRC but not for the one state reviewed under OPSC. For the 81<sup>st</sup> session, children’s participation was referred to in the clusters:

**General measures of implementation** (Dissemination, awareness raising and training; Legislation; cooperation with civil society)

**General Principles** (Respect for the views of the child)

**Violence against children** (Corporal punishment; Sexual exploitation and abuse, Abuse and neglect; Measures to prevent and address online child sexual exploitation and abuse)

**Family environment and alternative care** (Children deprived of a family environment; Adoption; Family environment)

**Disability, basic health and welfare** (Adolescent health; Impact of climate change on the rights of the child; Mental Health, Environmental health)

**Education, leisure and cultural activities** (Aims of education, Rest, leisure and recreation and cultural activities, Education, including vocational training and guidance)

**Special protection measures** (Children in street situations)

The subtopics in which most reference were made to the Respect for the views of the child were corporal punishment, adolescent health followed by education and the participation of children deprived of a family environment.

All the CRC COBs -except for Tonga- child participation is referred to under ‘corporal punishment’, unlike in previous sessions; in which it was referred to in the 80<sup>th</sup> session whereas in the 79<sup>th</sup> session, it was not the case at all. Moreover, similarly to the last session and unlike the 79<sup>th</sup> session, in all six CRC COBs, 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 the 17 Goals as far as they concern children”, under the section “Main areas of concern and recommendations”.

Almost all the issues raised by the Committee during the dialogue related to participation of children were addressed in the COBs.

Reviews of Cabo Verde, Botswana, Malta, Côte d'Ivoire, Singapore contain quite general recommendations under the cluster of General Principles; partly similar to the 80<sup>th</sup> session whereas the 79<sup>th</sup> session was made of more detailed recommendations. In the case of Tonga, the Committee made a specific recommendation under the principle of respect for the view of the child; whereas it urged the state party to support the Tongan National Youth Congress. In the case of Côte d'Ivoire, although not under the cluster of general principles, the Committee recommended that child human rights defenders be addressed through the amendment of an Act.

Moreover, like the previous two sessions, an explicit link between children's participation and civil rights and freedom was made. Thus, in the review of Singapore, a question was asked during the dialogue with regard to children's participation in protests; there has not been, however, a recommendation on this regard in Singapore's COB.

Unlike the last session, while reviewing the implementation of OPSC in Sri Lanka, the Committee addressed the topic of child participation in the COBs, with regards measures to prevent online child sexual exploitation and abuse although no question was asked.