

## CHILD PARTICIPATION AND EMPOWERMENT MONITOR

### ANALYSIS OF HOW CHILDREN'S PARTICIPATION AND EMPOWERMENT WAS ADDRESSED BY THE UN COMMITTEE ON THE RIGHTS OF THE CHILD DURING ITS 87<sup>TH</sup> SESSION (17 MAY -4 JUNE 2021)

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

During its 87<sup>th</sup> session, the UN Committee on the Rights of the Child (Committee) reviewed the following States: **Luxembourg** and **Tunisia**. 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>Luxembourg CRC</i>	<p><b><u>Velina Todorova (Bulgaria)</u></b></p> <ul style="list-style-type: none"> <li>✓ I welcome the interest of young participation in the Parliament. However, is there any effort made to include the younger children, is there any age criteria for the participation?</li> <li>✓ The audition in the admin and judiciary procedures: there is a law project which indicates that the</li> </ul>	<p>The Committee recommends that the State party to take further measures to:</p> <p style="padding-left: 40px;">a) Take measures to ensure the effective <b>implementation of legislation recognizing the right of the child, irrespective of his or her age, to be heard in relevant legal proceedings</b> and to ensure that the views of the child are given due weight in accordance with his or her age and maturity;</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>General measures of implementation:</b></p> <p>Noting the ongoing reform of the Constitution, which is geared towards ensuring that all children enjoy "the protection, measures and care necessary for their well-being and development" and <b>can freely express their views on all matters affecting them</b>, the Committee</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>minor has to be heard before any decisions concerning him: what is the status of this law? Are there any mechanisms planned for a preliminary evaluation of the child giving his opinion?</p> <p>✓ What are the criteria of the right to be heard: the child has to be heard unless too young: who is interpreting this age criteria?</p> <p><b><u>Ann Skelton (South Africa)</u></b></p> <p>✓ Are the children aware of the OPIC? And how in practice, the children can bring and initiate a case?</p> <p><b><u>Benoît Van Keirsbilck (Belgium)</u></b></p> <p>Right to be heard:</p> <p>✓ When the child is represented by an adult, how is he represented?</p> <p>✓ How is the child informed of his right to be heard, mostly for the youngest ones? (ex: parents can be an obstacle).</p>	<p>b) Ensure that children are heard either directly or through a representative, and are provided with the necessary support and assistance during legal proceedings;</p> <p>c) Promote – including by conducting programmes and awareness-raising activities – <b>meaningful and empowered participation of all children, especially those below 14 years of age</b>, within the family, communities and schools, and include children in decision-making in all matters related to children with particular attention to children in vulnerable situations;</p> <p>d) <b>Institutionalize the Children’s Parliament</b> as a regular event and ensure that it is provided with a meaningful mandate and adequate human, technical and financial resources, in order to facilitate children’s effective engagement with national legislative processes on issues that affect them.</p>	<p>recommends that the State party take all measures necessary to expedite the process and ensure that children’s rights are raised to the rank of fundamental rights under the new Constitution.</p> <p>The Committee recommends, in particular, that the State party increase children’s awareness of their rights under the Optional Protocol on a communications procedure and that it <b>ensure that children have access to remedies</b> at the domestic level.</p> <p><b>Civil Rights and Freedom:</b></p> <p>The Committee recommends that the State party ensure that the draft legislation <b>provide for children to have access to information regarding their identity</b> if they were adopted or were born via anonymous birth or assisted reproduction technology, including technologies involving gamete or embryo donation, or via surrogacy arrangements concluded abroad regarding parents who are resident in the State party</p> <p><b>Violence against children:</b></p> <p>Promote positive, non-violent and <b>participatory</b> forms of child rearing and discipline, including through awareness-raising campaigns aimed at changing public perceptions on corporal punishment of children;</p> <p>Ensure that children facing violence <b>are provided with appropriate remedies and redress</b>, appropriate to their age, gender and cultural background, including psychosocial counselling.</p>
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<p>Tunisia CRC</p>	<p><b><u>Luis Pedernera (Uruguay)</u></b></p> <ul style="list-style-type: none"> <li>✓ What is the advancement on the creation of municipal councils which are essential tools to the participation of children?</li> <li>✓ The legislation fighting against terrorism allows sometimes to violate the child’s right to freedom of expression and reunion. In what circumstances this legislation is applying and justifies such a restriction, and what are the impacts on the freedom of expression and reunion of children?</li> <li>✓ How does it work when children gather in accordance with their rights, procedurally?</li> <li>✓ Problems relating to freedom of belief were deplored: what measures did the State take to guarantee the non discrimination of religious minorities and the freedom of belief and religion?</li> </ul>	<p>the Committee recommends that the State party to:</p> <p>(a) <b>Strengthen efforts to promote the meaningful and empowered participation of all children, including children in disadvantaged situations, in the Child Parliament, Youth Parliament and municipal councils</b>, including by ensuring the implementation of the national action plan on municipal councils for children and ensuring that their views are taken into account by policymaking bodies;</p> <p>(b) <b>Ensure that children are heard</b> and that their views are given due consideration in relevant administrative and judicial proceedings in respect of all rights covered by the Convention and in all decisions affecting them.</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p><b>Civil rights and freedoms</b></p> <p>(a) Guarantee the freedom of expression for all children, as provided under the Constitution and the Convention, and ensure that Organic Act No. 26 of 2015 on combating terrorism does not restrict children’s <b>right to freedom of expression;</b></p> <p>(b) <b>Ensure that children of all ages are supported and encouraged to form their own associations and initiatives and to participate in public gatherings.</b></p> <p>The Committee recommends that the State party continue its efforts to promote religious tolerance and ensure <b>the right of the child to freedom of thought, conscience and religion.</b></p> <p><b>Family environment and alternative care</b> Ensure that children’s needs and views are taken into account in developing policies and programmes addressing <b>climate change</b> and disaster risk management.</p>

	<p><b><u>Suzanne Aho Assouma (Togo)</u></b></p> <ul style="list-style-type: none"> <li>✓ Regarding the Children’s Parliament: how is the children’s selection working? (gender, diversity...), has the Parliament a dedicated budget?</li> </ul> <p><b><u>Mikiko Otani (Japan)</u></b></p> <ul style="list-style-type: none"> <li>✓ Child participation for children with disabilities: the act on disabilities is now revised. Do children with disabilities have been given the opportunity to participate and provide recommendations?</li> <li>✓ How can children participate to develop policies on climate change, and how this issue is aborded in school?</li> </ul>		
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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; administrative, judicial and custody matters; migration and asylum proceedings. The Committee asked about to the Child Parliament of both countries and the methods of selection and the budget allocated.

During the session of Tunisia, there was an increasing number of questions relating to children's right to freedom of expression, association and peaceful assembly as well as questions on the right to freedom of belief and religion. The Committee also made a recommendation on the participation of children regarding policy-making on climate change.

During the session of Luxembourg, the Committee expressed a great interest on the participation of the youngest children and which policies and infrastructures can allow young children to participate in society.

In this session, there were no explicit questions in which the Committee used the term “Child Human Rights Defenders” (CHRDs). However, during the dialogue with Tunisia, the Committee asked about children’s freedom of expression and association and their right to peaceful assembly, and refers to this in the Concluding Observations. The Committee recommends the State to “Guarantee the freedom of expression for all children [...]” and “Ensure that children of all ages are supported and encouraged to form their own associations and initiatives and to participate in public gatherings”.

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 87<sup>th</sup> session, in the Concluding Observations, the Committee integrated children’s participation into other clusters for the two States reviewed under the CRC, notably in the clusters:

- **General measures of implementation** (Legislation; Dissemination, awareness raising and trainings)
- **Civil rights and freedoms** (Right to identity; Freedom of expression, association and peaceful assembly; freedom of conscience, thought and religion)
- **Violence against children** (Corporal punishment)
- **Family environment and alternative care** (Children deprived of a family environment; Impact of climate change on the right of the child)

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 Committee recommendations on the general principle of the Respect for the Views of the Child, not only focused on hearing the children views within courts, legal and administrative proceedings but also refers to policy-making through the Child Parliament. The principle was also included in encouraging and supporting the participation of all children (including youngest children, children with disabilities, vulnerable children, indigenous, migrant and asylum-seeking children) in children parliaments, national youth councils, children's summits, youth organizations.

Moreover, in the Concluding Observations of Luxembourg and Tunisia 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 Concluding Observations “Main areas of concern and recommendations”.