

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 89TH SESSION

(31 JANUARY – 11 FEBRUARY 2022)

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

During its 89th session, the UN Committee on the Rights of the Child (Committee) reviewed the following States: Madagascar and the Netherlands. 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 ¹	Reference to children's participation in the COBs	
		As a general principle / Respect for the views of the child	Other clusters
Netherlands CRC	<p><u>Gehad Madi (Egypt)</u></p> <p>✓ Is there any attempt to incorporate article 12 of the Convention on the right of the child to be heard into the legislation? The Committee is concerned that children under twelve have no opportunity to be heard in courts; if they request to be heard, is it automatically</p>	<p>The Committee recommends to the State party to:</p> <p>“(a) Abolish any age limit on the right of children to express their views in all issues concerning them and ensure that all children, including those under 12 years of age, can express their opinion and be heard in all decisions affecting them, including in courts and civil proceedings;</p>	<p>The Committee refers to child participation in the recommendations on:</p> <p>a. Coordination: “Ensure that the task force is provided with the human, technical and financial resources necessary to support the effective and equal implementation of the Convention across the constituent countries, including through a common set of goals and mechanism for monitoring implementation, and that it includes the participation of children and civil society.”</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.

	<p>implemented or it is up to the judge to decide?</p> <p>✓ Will you please inform us about any development to establish a children’s parliament?</p> <p><u>Ann Skelton (South Africa)</u></p> <p>✓ To what extent was child participation ensured in urban planning processes, and making sure children had a place to play?</p> <p><u>Philip Jaffé (Switzerland)</u></p> <p>✓ In efforts to address environmental issues and climate change, the State mentioned various plans to involve youth, but I have not heard anything about the participation of children and I would like to underscore that energy regarding climate change comes as much from children as from youth, so what would you tell children about their future participation in the climate plans?</p>	<p>(b) Continue to strengthen measures to promote the meaningful and empowered participation of all children, including children in disadvantaged situations, within the family, the community, schools and the realm of policymaking at the municipal and national levels, such as by developing toolkits for consulting children on national policy issues and ensuring that the outcomes of children’s councils are systematically fed into public decision-making;</p> <p>(c) Ensure that all relevant professionals, including teachers and youth care professionals, working with and for children, systematically receive appropriate training on the right of the child to be heard and have his or her opinion taken into account and in accordance with the child’s age and maturity.”</p>	<p>b. Allocation of resources: “Ensure transparent and participatory budgeting processes at central, regional and local levels in which civil society, the public and children can participate effectively”</p> <p>c. Non-discrimination: “Evaluate, with the participation of children and civil society, existing measures aimed at combating discrimination against children in disadvantaged situations, to assess their impact and revise measures accordingly;”</p> <p>d. Harmful practices: “Prohibit the performance of unnecessary medical or surgical treatment on intersex children where those procedures may be safely deferred until children are able to provide their informed consent and provide reparations for children who received unnecessary treatment;”</p> <p>e. Impact of climate change on the rights of the child: “Reduce greenhouse gas emissions in line with the State party’s international commitments, and ensure that national policies and programmes on environmental protection and climate change are implemented in accordance with the principles of the Convention and taking into account children’s needs and views;”</p> <p>f. Education, including vocational training and guidance: “Allocate sufficient human, technical and financial resources for the implementation of the Safety at School Act and ensure that measures aimed at combating bullying in schools, including online bullying, encompass prevention, early detection mechanisms, the</p>
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<p>Madagascar CRC</p>	<p><u>Hynd Ayoubi-Idrissi (Morocco)</u></p> <ul style="list-style-type: none"> ✓ Have civil society and children really been involved in the report that is being reviewed? <p><u>Luis Ernesto Pedernera Reyna (Uruguay)</u></p> <ul style="list-style-type: none"> ✓ Can children have access to tools to express their feelings or desires with society in the Malagasy state? ✓ What is the State doing to move forward with the right to children's participation, to make it a cross-cutting issue and ensure that the State takes into account the opinions and voices of children in the policies it is rolling out? 	<p>The Committee recommends to the State party to:</p> <p>“Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party promote meaningful and empowered participation of all children within the family, communities and schools and in all relevant administrative and other processes concerning them through, inter alia, the adoption of appropriate legislation, the training of professionals and the establishment of specific platforms at schools.”</p>	<p>The Committee refers to child participation in the recommendations on:</p> <ul style="list-style-type: none"> a. Allocation of resources: “Ensure transparent and participatory budgeting through public dialogue, especially with children and for proper accountability of local authorities;” b. Corporal punishment: “Promote positive, non-violent and participatory forms of child-rearing and discipline;” c. Impact of climate change on the rights of the child: “Ensure that children’s special vulnerabilities, needs and views are taken into account in developing policies and programmes to address climate change and disaster risk management;”

	<p><u>Mikiko Otani (Japan)</u></p> <ul style="list-style-type: none">✓ Regarding children's right to be heard, what is Madagascar doing to move forward with the right to children's participation? ✓ In judicial proceedings, are children encouraged and supported to share abuses and are they listened to by judges, teachers and parents? And are they responding properly to the children?		
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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 in courts and judicial proceedings, policy making and child parliament.

The Committee has used the terminology ‘meaningful and empowered’ participation in its Concluding Observations to both countries.

In particular, the Committee called on the Netherlands to take into account the views of children in addressing environmental issues and climate change after noting that plans were mentioning youth participation but not specifically children’s participation.

In dialogue with Madagascar, the Committee requested more information about the mechanisms to take into account the opinions and voices of children in the policy-making and whether the children had been involved in the drafting of the State party report to the Committee.

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

For the 89th 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** (Coordination; Allocation of resources)
- **General Principles** (Non-discrimination)
- **Violence against children** (Harmful practices; Corporal punishment)
- **Family environment and alternative care** (Children deprived of a family environment; Impact of climate change on the right of the child)
- **Basic health and welfare** (Health and health services)
- **Special protection measures** (Asylum-seeking and refugee children and children in situations of migration)
- **Education, leisure and cultural activities** (Education, including vocational training and guidance)