



**Meeting of the States Parties
to the Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

SUMMARY RECORD (PARTIAL)* OF THE 1171st** MEETING

held at the Palais Wilson, Geneva,
on Friday, 15 September 2006, at 10 a.m.

Chairperson: Mr. DOEK

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* No summary record was prepared for the rest of the meeting.
** No summary records were issued for the 1167th to 1170th meetings.

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The meeting was called to order at 10.05 a.m.

DAY OF GENERAL DISCUSSION

To speak, participate and decide - the child's right to be heard

1. The CHAIRPERSON said that the reports submitted by States parties and the information provided by NGOs showed that in certain countries implementation of article 12 of the Convention was very slow and facing many obstacles. The day of discussion was an opportunity to reflect on the meaning of that article in relation to the other articles of the Convention, to focus on gaps in its implementation, to identify good practices and to define priorities in order to enable children fully to exercise their right to speak, participate and decide - their right to be heard, both individually and collectively. At the conclusion of the discussion, which would be held in two working groups, the Committee would have before it recommendations containing the specific proposals made in the groups, for consideration and subsequent adoption.
2. Ms. KHATTAB emphasized that the right to be heard was one of the guiding principles of the Convention, on which the implementation of the other rights embodied in the Convention depended. It was, however, one of the rights that was the least understood and the most difficult to enforce. Article 12, designed to associate children in the process of implementation of their rights, did not specify a minimum age for expressing one's opinion and set no limit on the context in which the child could exercise that right, which was dependent only on whether the child was capable of forming his or her own views.
3. Article 12, in conjunction with articles 13, 14, 15, 16, 23, 29 and 31, allowed the child to be a real player in society, at home, at school, in the various institutions and in the community in the broad sense. The definition of the best interests of the child involved consideration of the child's opinion and minimum rules must thus be guaranteed for participation of the child in decision-making processes relating to questions affecting him or her.
4. As regards the collective right to be heard, children who could express their views in the family were learning about democracy, developing their cognitive skills and establishing better ties with their parents or guardians. Children must be allowed to take part in decisions concerning their health. Parents must understand that exercise of their authority and participation by the child were not mutually exclusive but, on the contrary, were a combination conducive to prevention of domestic violence and to close inter-generational relations.
5. In poor countries, children's right to participate was extremely limited because of socio-economic factors. The situation of orphans and children of impoverished or broken families was very worrying: since they were often obliged to live on the streets and to earn their living without any protection, they easily fell prey to ill-treatment and sexual abuse. For them, the right to participate became a question of life or death. States must therefore do everything to help poor families to assume their role. Girls helped with housework and were thus often denied the right to attend school, and their consent to their marriage was often requested only as a mere formality.
6. As far as education was concerned, children should be regarded not simply as receptacles of knowledge but as active participants in the learning process, so that

they could develop self-confidence, self-esteem, creativity and initiative, as well as acquiring skills and learning tolerance. For that purpose, school must become more democratic. Teachers must listen to children, which presupposed satisfactory working conditions and remuneration. Overcrowded classes, low salaries and lack of motivation among teachers were factors that led the most vulnerable children to drop out and feel that they were neither understood nor heard and that finally made them abandon their schooling. Participation in school enabled children to enjoy their right to education. Being deprived of education deprived children of the possibility of choosing their life. The developing countries must therefore devote more resources to education and include human rights in school curricula.

7. Participation by children in the affairs of the community from a young age inevitably aroused their interest in political questions, enhanced their feeling of belonging and helped them to take informed decisions - all elements which formed the basis of a democratic society.

8. The involvement of children in armed conflicts was another very serious subject of concern. When war broke out, the voice of children was completely silenced. Recent events in the Middle East had once again provided proof of that.

9. With regard to the right to be heard individually, some countries had incorporated in their legislation provisions expanding that right, allowing children to bring legal proceedings to obtain recognition of their rights and protecting them against the risks to which their testimony in court might expose them, for instance in cases involving their families. The adoption by the Economic and Social Council in 2005 of the "Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime" was a huge step forward.

10. The right of children to be heard was sometimes difficult to enforce in certain cultures, where it was interpreted as a challenge to parental authority and a pretext for the State to interfere in family matters. It was the responsibility of adults to listen to what children had to say, to be willing to reconsider their own point of view and to envisage solutions that took the child's opinion into consideration. That did not mean that the child's opinion was overriding, but that a dialogue should take place.

11. For children as well as adults, participation involved a learning curve. People who lived and worked in contact with children should therefore be given training to make them more willing to give children the means to participate freely and increasingly in the life of society and to acquire skills in matters of democracy.

12. In order to allow children to speak, many countries had taken initiatives such as school councils, Internet sites where they could exchange opinions, hot lines to which they could also submit complaints and, in some countries, children's parliaments. It was necessary to evaluate the effectiveness of such mechanisms and, in the case of parliaments and school councils, to ensure that their members were freely elected.

13. States must have the political will and must give themselves the means to effectively enforce those rights. For example, children should be given access not only to hot lines but also to mediators and commissioners for children's rights.

14. The media should adopt a code of conduct, take care to correctly portray the opinions expressed by children on topics concerning them and respect the confidentiality of information about children.

15. The United Nations study on violence against children, which the independent expert would submit to the General Assembly in October 2006, was being prepared with the active participation of children and efforts should be made to implement its recommendations.

16. It was to be hoped that the day of general discussion would result in specific proposals that would enable the Committee to draft general comments on article 12.

17. Mr. KARUNAN (UNICEF) said that, like other institutions, UNICEF had included in its action plan for the next four years specific goals based on the fundamental principles of the Convention. UNICEF was convinced that the participation of children and young people should be an essential element of initiatives and programmes formulated at the regional and national levels.

18. More than 30 young people, girls and boys, had come to Geneva from various regions of the world to take part in two days of preparatory meetings with a view to the formulation of observations and recommendations on article 12 and the Day of General Discussion would provide an opportunity to explain them. Their opinions would undoubtedly help adults better to understand the complexity of the contexts and situations in which children tried to make their voice heard.

19. UNICEF was working to enable boys and girls to participate in decision-making of concern to them, particularly in conflict and crisis situations, giving special attention to vulnerable children. That involved helping member States and partners in general to design and implement policies and programmes to help children.

20. Participation, a fundamental and "non-negotiable" right of all children, was the key to their personal development because it allowed them to affirm their identity, to acquire self-confidence and to establish relationships with adults and the outside world. Participation, as a source of learning, also equipped children to deal with ill-treatment, exploitation and crisis situations.

21. The participation of children was an asset to society because, when acknowledged and guided by adults, children could use their know-how, talents and expertise to help their family and the community. Participation helped to build democracy, because a child who had been given the opportunity to express his or her views would, as an adult, respect citizenship and participation in decision-making.

22. The Committee should adopt a general comment on article 12 in order to encourage States parties to go beyond what had so far very often been reduced to symbolic participation in official ceremonies and conferences, by inviting children to make a real contribution to society as parties to decision-making. Then, since several articles of the Convention advocated participation by children, promoting it would also help to promote their effective implementation. Lastly, a general comment would give States parties guidance on legislative and social measures to be adopted in order ensure cooperation between the authorities, children's associations, NGOs working for children's rights and UNICEF and would allow ministries, school boards and local institutions to associate children more closely in their daily activities and long-term projects.

23. In order to be effective, a general comment must be adaptable to the legislation and procedures of each country. The main recommendations in the comment should include: provision of facilities and opportunities for exchanges with adults and society, particularly in the family, the school and the community; investment in skills development among children and young people by means of creative learning, social participation and inter-generational dialogue and in development of the skills of parents, caregivers, teachers and government officials so that they learned to dialogue with children; and creation of a local and national legislative framework accessible and adapted to children. Administrative and legal procedures should protect "the best interests of the child" and the child's dignity and integrity.

24. Ms. AKTER (Aparajeyo-Bangladesh) said that a more child-friendly environment should be created in the family, at work, in hospitals, in police stations and in all institutions, so that children would stop being afraid of adults. She also recommended the creation of a justice system for minors that emphasized helping them to reform by exercising responsibilities within the community rather than punishing them. In addition, a children's committee could work in parallel with the United Nations Committee on the Rights of the Child to advise it, make sure that it was well informed about matters concerning children and monitor its progress regularly.

25. Ms. MASUKU (Plan International, Zimbabwe) said that Governments should protect children from ill-treatment and sexual violence, for example by using community counselors responsible for helping children victimized by their parents. Children expected the Committee to protect them.

26. Mr. REYES ESCATE (Red Nacional de Niños) said that two days of meetings had identified several topics of major concern to children. Often children were not aware that they had rights and therefore could not make people respect them; in order rapidly to create awareness, children should therefore be taught their rights in school, as a key factor for their development and learning. In addition, all countries should establish a true ministry of the rights of the child, whose tasks would include promoting the Convention and ensuring its implementation, as well as associating children in the work of follow-up and reporting. Lastly, there should be sanctions for States parties that did not respect the Convention.

27. Ms. COUCHMAN (Children's Rights Alliance for England) asked whether it would not be logical for a child to be included in the Committee's membership. In her view, children should commence the new era of children's rights by analyzing the Convention in order to assess its relevance, 18 years after its adoption, and envisage the addition of a protocol on children's participation. Children were also specialists and experts but, unlike adults who merely spoke about their problems, they lived them.

28. The CHAIRPERSON agreed that much remained to be done, with the support of all. The commitment of children was a true source of inspiration, without which the Committee's work would be even more difficult. He noted with interest the constructive proposals made by the children who had made statements and hoped that children would continue to encourage the Committee and to participate so that States parties would implement the Convention. By remaining united and hopeful, it would be possible to build a world fit for children.

The discussion covered in the summary record ended at 11.15 a.m.