



**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 1172nd MEETING

Held at the Palais Wilson, Geneva,
on Friday, 15 September 2006, at 5 p.m.

Chairperson: Mr. DOEK

CONTENTS

DAY OF GENERAL DISCUSSION (continued)

The right of the child to be heard (continued)

* No summary record was prepared for the rest of the meeting.

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The discussion covered in the summary record began at 5.10 p.m.

DAY OF GENERAL DISCUSSION (agenda item 7) (continued)

The right of the child to be heard

1. The CHAIRPERSON invited the rapporteurs of the day's two working groups to summarize the discussions that had taken place.
2. Ms. VUCKOVIC-SAHOVIC (Rapporteur for the working group on the child's right to be heard in judicial and administrative proceedings) said that discussions had taken place on laws allowing for participation, age restrictions on participation, and monitoring of States' respect for the child's right to participate, including the role of the Committee, governments and civil society. Emphasis had been placed on the need to educate judges, police officers, military personnel, parents and children themselves about the child's right to be heard. A number of questions had been raised about the rights of asylum-seeking, refugee and immigrant children. Concerns had been expressed about children's access to justice, which was easier in some countries than in others, and about difficulties in the exercise of the child's right to be heard in emergency, war and post-conflict situations. She invited two of the young participants in the working group to comment on the discussions.
3. Aissatou Ndiaye DIAGNE, young participant (Plan International Senegal), said that the discussions had addressed the issue of injustice against millions of children throughout the world. Emphasis had been placed on the need for governments to assist NGOs, and on the importance of establishing free and easily accessible structures to provide information on children's rights.
4. Emily Jane CORDEAUX, young participant (Foster Parents Plan), said that the child's right to be heard in judicial and administrative proceedings was a particularly delicate subject. Many of the participants in the working group had voiced concern that children's views were not properly taken into account in decisions that could be detrimental to their well-being, such as decisions regarding the repatriation of their parents. Children should have the opportunity to express themselves in judicial proceedings, irrespective of their age. Children could be heard with the assistance of social workers, psychologists and judges, who should all be trained to help children voice their opinions. Children should also be educated about their rights, and reminded that they had the right to be heard without persecution. In order to ensure that children's voices were heard, youth participation should be made a regular feature of the work of the Committee on the Rights of the Child, through the direct involvement of children in special activities, with the participation of the United Nations Children's Fund (UNICEF) and national Ombudsman's offices.
5. Ms. LEE (Rapporteur for the working group on children as active participants in society) said that priority had been given to allowing the young participants in the working group to voice their opinions and concerns. The participants had strongly disagreed with the idea that children should be seen and not heard. Concern had been raised that children were not given sufficient opportunity to participate in society before they reached the age of 18. Although 18 was the legal age of majority, children under 18 were conversant with the issues that affected their lives,

and should therefore be allowed to participate. A change of attitude was required to enable children to participate in society, be it international society, the local community or the family. She invited two of the young participants in the working group to comment on the discussions.

6. Betty CHIVASA, young participant (Save the Children), said that during the discussions, examples had been given of efforts made by children in a number of countries to exercise their right to participate in society, such as the Bolivian children's parliament, a body active in the fight for political change. Comic books dealing with children's issues had been published in India, and in Kenya children had made videos voicing their concerns, in order to facilitate communication with their families. Unfortunately, adults did not always take young people's opinions seriously, and did not take them into account when making decisions. Particular attention should be paid to enabling disabled children to participate in decision-making.

7. Tova JERTFELT, young participant (Plan International Sweden), said that many participants had taken the view that, although there was no minimum age for participation in political processes, attitudes needed to change in order to allow children's voices to be heard. In many cases, children aged 16 or 17 got married, or moved out of their parents' home, yet were still considered too young to vote in elections that affected them.

8. Ms. LEE said that the young participants in the working group had spoken about youth parliaments and described school activities to promote children's opinions. Child-initiated youth groups were a powerful means of changing views in the community. The general consensus had been that active participation should be self-initiated. At the national level, adequate funds should be granted to provide suitable venues and platforms, so as to guarantee children the opportunity to express their views.

9. The CHAIRPERSON said that the day of general discussion had played an important role in furthering the Committee's work on the implementation of article 12 of the Convention, and child participation. The work to encourage the implementation of article 12 of the Convention could not be done overnight, but rather depended on a gradual change of attitudes at all levels. Such a change would require time, training and sensitization, to ensure not only that children were encouraged to express their views, but also that those views were taken into consideration. The day of general discussion had provided an opportunity for children, together with representatives of United Nations agencies and NGOs, to discuss children's rights and to give the Committee the benefit of their views, experiences and concerns.

10. The Committee depended on ongoing support to remind States of their obligations in respect of children's rights. The Committee's recommendations were meaningless unless they were taken seriously by States, and implemented effectively. The day of general discussion represented a milestone in the Committee's efforts to encourage children to participate in all processes that affected them. A set of recommendations based on the discussions that had taken place would be submitted to governments, and should be incorporated into legislation and political processes. Civil society should encourage governments to implement those recommendations. The Committee, together with NGOs and children, must work to ensure that governments took action to implement children's rights. A general comment was currently being drafted on the implementation of article 12, with support and assistance from UNICEF and NGOs and contributions from young people and children throughout the world.

11. Viola DONADI, young participant (Pidida - Italian Coalition on the Rights of the Child and the Adolescent), said that the day of general discussion had been a rewarding experience. Young people would leave the meeting with a better perspective on the role of children in society, education being key to their active participation.
12. Laxman NEGI, young participant (interpretation volunteered by Mr. Kannan (Plan International India)) said that it was common in his part of India for parents to remarry without consulting their children. He referred to the case of a family in which the mother had died and the father had remarried without consulting his son, who had run away because he feared that the stepmother would beat him. It was therefore essential for parents to consult their children before remarrying.
13. Sehream SHAFAT, young participant (Children's Rights Alliance for England), stressed that children's participation in the Committee was essential if their voices were to be heard. She was grateful for the opportunity to discuss issues of concern with Committee members, but wished there had been more time to expand upon the ideas and suggestions put forward. Concurring with the previous speaker, she said that it was important for children to receive instruction on the rights of the child. She expressed concern about children in developing countries such as India and Pakistan, where many families were unable to provide their children with quality education. How could those children's rights be respected? She requested Committee members to take children's views seriously, listen to their suggestions and keep them informed of their decisions in a child-friendly manner.
14. Mr. ZERMATTEN, presenting the concluding comments, said that the day of general discussion had been a rich and meaningful experience, thanks in particular to the presence of children and young people, who had brought to the fore issues that adults had a tendency to forget. The meeting had considered article 12 of the Convention separately and in relation to articles 13, 14, 15, 16 and 17, which were the cornerstone of the notion of participation. The rights established in those articles were non-negotiable because they were specific to children. States had a responsibility to set up mechanisms adapted to children and their needs, and forums in which they could be heard. It was necessary to move from a protective, or paternalistic approach, to one based on the rights of all children, regardless of their age or situation. Consideration of children's rights should not be used as a "gift" or pretext whereby children were asked to speak, but were not heard or heeded. Nor should they be manipulated into saying what adults wanted them to say. On the contrary, consideration of children's rights should be based on an attitudinal change in adults, whether they be parents, schoolteachers, representatives of public or private institutions, politicians or Committee members. It was necessary for adults to learn and develop effective listening skills, and to strike a balance between overprotecting children and giving them too much responsibility by asking them to take decisions for adults, or punishing them unduly because they had been granted the right to speak. Children should be respected as partners, and not considered simply as likeable, but little people, who were therefore inferior. Giving children the right to speak and be heard implied certain benefits, such as increasing their self-esteem, self-confidence and skills that made them more resilient and prepared them for their role as citizens. The family benefited by learning to consider children as more worthy of respect, which was important if progress was to be made in the fight against child abuse. Benefits accrued to the community as well, which had to integrate all children, particularly the most vulnerable, who were least able to express themselves. The State benefited because its decisions gained legitimacy by lending a voice to a once-forgotten, neglected group

whose plight was similar to that endured by women in the past. Lastly, democracy benefited because the knowledge and exercise of fundamental rights were the pillars on which it was based. During times marked by a dearth of participation in society, believing in children was a simple, yet promising solution.

15. It had become clear from the discussion that child representatives had new responsibilities to act as intermediaries between their peers and their organizations and to highlight their concerns. It was the responsibility of adults and NGOs present at the meeting to continue advocating children's rights on the ground and to make States aware that they must remove obstacles to children's participation in society by establishing instruments and mechanisms to enable them to exercise those rights. It was incumbent upon Committee members to exert the necessary pressure on Governments and produce a general comment that would facilitate the exercise of those fundamental rights. Speaking, participating and decision-making were the three basic steps involved in the exercise of the child's right to be heard. Recognizing children as genuine partners in the decision-making process meant establishing a new social contract in which children became fully fledged individuals, beneficiaries of services, care and protection, but above all, holders of rights, symbolized by the right to take part in society.

16. The CHAIRPERSON said that the Committee would be inspired by the outcome of the meeting to work even harder to achieve full implementation of article 12 by all signatories of the Convention.

The meeting rose at 6 p.m.