

CHILDREN'S RIGHTS - CIVIL RIGHTS

II. CONCLUDING OBSERVATIONS

ICCPR

- The Netherlands (Antilles), ICCPR, A/56/40 vol. I (2001) 76 at para. 82(21).

It is regretted that the distinctions between legitimate and illegitimate children who have not been recognized by their father, and who accordingly suffer disadvantage under inheritance laws, have not been eliminated. The State party should remove all distinctions between legitimate and illegitimate children in compliance with articles 24 and 26 of the Covenant.

ICESCR

- Sri Lanka, ICESCR, E/1999/22 (1998) 22 at para. 74.

It is noted with concern that existing legislation discriminates against children born out of wedlock, who may inherit only from their mother. This legislation violates the rights set forth in article 10 of the Covenant.

- Morocco, ICESCR, E/2001/22 (2000) 82 at paras. 534 and 558.

Paragraph 534

Persistent discrimination against children born out of wedlock is noted with concern. These children are frequently abandoned by their parents, and their lack of legal protection with regard to personal status and family law is noted with concern.

Paragraph 558

The State party should take legislative and other measures to eliminate discrimination and ensure effective protection against discrimination with regard to children born out of wedlock.

CRC

- Spain, CRC, CRC/C/34 (1994) 27 at para. 148.

Legal amendments should be considered in order to ensure the right to participation of children, including the right to freedom of association and to freedom of peaceful assembly.

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- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/38 (1995) 35 at para. 216.

The insufficient attention given to the right of the child to express his/her opinion, including in cases where parents in England and Wales have the possibility of withdrawing their children from parts of the sex education programmes in schools, is of concern. In this as in other decisions, including exclusion from school, the child is not systematically invited to express his/her opinion and those opinions may not be given due weight.

- Belgium, CRC, CRC/C/43 (1995) 20 at para. 111.

Further consideration should be given to ways of encouraging the expression of views by children and those views being given due weight in the decision-making processes affecting their lives, in particular in family life, at school and local levels as well as within the judicial system, including in situations where the child participates in the proceedings as a witness.

- Sri Lanka, CRC, CRC/C/43 (1995) 26 at para. 147.

In the country's implementation of article 12 of the Convention, the views of the child are not sufficiently taken into account, especially within the family, the school and the juvenile justice system.

- Germany, CRC, CRC/C/46 (1995) 15 at para. 107.

Consideration should be given to extending and broadening the involvement of children in decisions affecting them in the family and in social life, including in proceedings relating to family reunification and adoption.

- Yemen, CRC, CRC/C/50 (1996) 9 at para. 31.

Insufficient steps have been taken to bring existing legislation into full conformity with the Convention, including the general principles of the Convention, in particular the principles of non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12).

- Mongolia, CRC, CRC/C/50 (1996) 13 at paras. 60 and 72.

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Paragraph 60

Concern is expressed that the State party has not yet fully taken into account in its legislation the general principles of the Convention: article 2 (principle of non-discrimination), article 3 (principle of the best interests of the child), article 6 (right to life, survival and development) and article 12 (respect for the views of the child).

Paragraph 72

In the framework of its legal reform, the Government should fully take into account the provisions of the Convention on the Rights of the Child, especially its general principles (arts. 2, 3, 6 and 12).

See also:

- Nepal, CRC, CRC/C/50 (1996) 25 at para. 160.
- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at para. 91.

The absence of pluralism in the activities of the major organs of the mass media, limiting the freedom of the child to receive information and freedom of thought and conscience, is a concern.

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at paras. 161, 163, 171 and 175.

Paragraph 161

Concern is expressed that the basic principles of the Convention, in particular the provisions of articles 2, 3 and 12, have not been adequately reflected in legislation, policies and programmes. Insufficient measures have been adopted to create awareness of these basic values of the Convention with a view to changing the prevailing consideration and treatment of the child simply "as a mini-adult or immature adult", as recognized in the report.

Paragraph 163

Insufficient measures have been adopted, including those of a legal nature, to ensure effective implementation of the civil rights and fundamental freedoms of children (such as in relation to the right to a nationality, freedom of expression, thought, conscience and religion, as well as to freedom of association and peaceful assembly). The threats to national security invoked by the Government have hampered the enjoyment of such fundamental freedoms.

Paragraph 171

The Government should pursue its efforts to ensure full compliance of its national legislation with the provisions and principles of the Convention, including non-discrimination (art. 2), the best interests

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of the child (art. 3) and respect for the views of the child (art. 12).

Paragraph 175

Greater efforts should be made to promote the participation of children in family, school and social life, as well as the effective enjoyment of their fundamental freedoms, including freedom of opinion, expression and association, which should be subject only to the restrictions provided by the law and which are necessary in a democratic society.

- Finland, CRC, CRC/C/50 (1996) 35 at paras. 222 and 233.

Paragraph 222

It is of concern that the State party has not yet fully taken into account in its legislation and in its policies the general principles of the Convention, in particular non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12).

Paragraph 233

The State party is encouraged to develop a systematic approach towards increasing public awareness of participatory rights of children, in the light of article 12 of the Convention.

See also:

- Mongolia, CRC, CRC/C/50 (1996) 13 at para. 68.
- Cyprus, CRC, CRC/C/50 (1996) 38 at paras. 244 and 255.

- China, CRC, CRC/C/54 (1996) 18 at para. 124.

Violations of human rights of the Tibetan religious minority are of deep concern. State intervention in religious principles and procedures seems to be most unfortunate for the whole generation of boys and girls among the Tibetan population.

- Nepal, CRC, CRC/C/54 (1996) 25 at para. 176.

The State party is encouraged to further increase public awareness of the participatory rights of children, as well as to consider incorporating the Convention in the school curriculum.

- Cyprus, CRC, CRC/C/54 (1996) 38 at paras. 246 and 256.

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Paragraph 246

Insufficient attention has been accorded to ensuring that children are involved in decisions, including within the family, and in administrative and judicial procedures regarding them.

Paragraph 256

With respect to the implementation of articles 12, 13, 14 and 15 of the Convention, consideration should be given by the State party to facilitating children's participation and respect for their views in decisions affecting them, especially in the family, at school and in the courts.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), CRC, CRC/C/57 (1996) 23 at paras. 149 and 156.

Paragraph 149

A study, from the perspective of children as bearers of rights, should be undertaken on the subject of children's participation in the family, school and society, with a view to the formulation of recommendations on this matter.

Paragraph 156

An evaluation of human rights awareness-raising and education should be undertaken in the future to determine its effectiveness in equipping children with tools for life and in encouraging decision-making and the ability to think analytically from the perspective of human rights. Greater priority should be accorded to the participation of children in school life, including in discussions about disciplinary measures and curricula development.

- Panama, CRC, CRC/C/62 (1997) 19 at para. 126.

Further efforts are required to ensure the active participation of children and their involvement in all decisions affecting them in the family, at school and in social life.

- Myanmar, CRC, CRC/C/62 (1997) 25 at paras. 150 and 171.

Paragraph 150

Of particular concern is the fact that children considered poor are channelled towards monastic Buddhist schools and are offered no alternative educational opportunity. This might challenge the right to freedom of religion for non-Buddhist children who are enrolled in those schools. Deep concern is also expressed with regard to the right of children to freedom of speech, association and peaceful assembly.

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Paragraph 171

An alternative education choice to non-Buddhist and poor children should be given and all measures should be taken to fully guarantee the freedoms of association and speech as well as the right to peaceful assembly.

- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at para. 43.

Concern is expressed about the low participation of children, their traditional representation by adults, and that their views are still not taken into account, especially within the family, the school, and the care and justice systems.

- Australia, CRC, CRC/C/69 (1997) 16 at para. 98.

Concern is expressed over local legislation that allows the local police to remove children and young people congregating, which is an infringement on children's civil rights, including the right to assembly.

- Togo, CRC, CRC/C/69 (1997) 39 at paras. 258 and 281.

Paragraph 258

Concern is expressed over the prevailing attitudes in the family, in school, in other institutions and in society that hinder the enjoyment of the right of the child to express his/her views and his/her right to freedom of expression.

Paragraph 281

All appropriate measures should be taken to promote and guarantee the right of the child to freedom of expression at home, in school, in other institutions and in society.

- Ireland, CRC, CRC/C/73 (1998) 14 at para. 97.

The State party should systematically promote and facilitate children's participation and respect for their views in decisions and policies affecting them, especially through dialogue in the family, at school and in society.

- Hungary, CRC, CRC/C/79 (1998) 7 at para. 40.

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The insufficient measures undertaken to promote children's right to participation within the family, at school, and in society in general, and the restriction to the right of freedom of association, since there is no registry of associations managed by children, are of concern.

- Democratic People's Republic of Korea, CRC, CRC/C/79 (1998) 13 at para. 89.

Specific attention should be given to educating all sectors of society, especially parents and teachers, about the importance of children's participation and of dialogue between teachers, parents and children.

- Japan, CRC, CRC/C/79 (1998) 25 at paras. 156 and 178.

Paragraph 156

The absence of an independent body with a mandate to monitor the implementation of the rights of children is of concern. The monitoring system of "Civil Liberties Commissioners for the Rights of the Child" in its present form lacks independence from the Government as well as the authority and powers necessary to fully ensure the effective monitoring of children's rights.

Paragraph 178

The necessary steps should be taken to establish an independent monitoring mechanism, either by improving and expanding the existing system of "Civil Liberties Commissioners for the Rights of the Child" or by creating an Ombudsperson or a Commissioner for Children's Rights.

- Bolivia, CRC, CRC/C/80 (1998) 22 at para. 105.

Further efforts should be made to ensure the implementation of the principles of the "best interests of the child" and "respect for the views of the child", especially his or her rights to participate in the family, at school, within other institutions and in society in general. These principles should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large, including traditional communities and religious leaders, as well as educational programmes on the implementation of these principles should be reinforced.

See also:

- Ecuador, CRC, CRC/C/80 (1998) 9 at para. 42.
- Honduras, CRC, CRC/C/87 (1999) 26 at para. 115.

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- Kuwait, CRC, CRC/C/80 (1998) 28 at para. 137.

All appropriate measures should be taken to encourage participation of children in the family, in institutions, at school and in society. It is also recommended that the relevant authorities ensure by all available means, including legislative means, that, according to his or her maturity, the views of children are an integral part of all decisions affecting them.

- Thailand, CRC, CRC/C/80 (1998) 35 at para. 170.

A systematic approach should be developed to increase public awareness of the participatory rights of children and to encourage respect for the views of the child within the family, as well as within the school, care and judicial systems.

See also:

- Belize, CRC, CRC/C/84 (1999) 12 at para. 76.
- Saint Kitts and Nevis, CRC, CRC/C/87 (1999) 17 at para. 79.

- Guinea, CRC, CRC/C/84 (1999) 21 at para. 108.

A systematic approach should be developed, through the use of the media, to increase public awareness of the participatory rights of children in order to make these rights and their implications fully understood by the population at large.

- Barbados, CRC, CRC/C/87 (1999) 9 at paras. 47 and 48.

Paragraph 47

The views of the child in accordance with his or her evolving capacity is excessively constrained by subjective interpretation under existing legislation. The Government, in its review of the legislation, should consider the need for the British common law “maturity principle,” in any case, to children younger than 16, and, in particular, the need to make it a requirement for courts and other institutions to seek and give due weight to the views of the child in all matters affecting him or her.

Paragraph 48

The inadequate attention given to the promotion of civil rights and freedoms of the child is of general concern. Traditional social attitudes regarding the role of children appear to make it difficult to fully accept children as the subjects of rights. Efforts should be redoubled to educate and sensitize parliamentarians and government officials, professional groups, parents and children on the

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importance of fully accepting the concept of child rights, and legislative measures should be envisaged to guarantee the enjoyment of civil rights and freedoms for every child.

- Honduras, CRC, CRC/C/87 (1999) 26 at para. 117.

The insufficient development of children's participatory rights remains of concern. Further measures, including legislative reform, should be undertaken to promote the participation of children in the family, school and social life, as well as the effective enjoyment of their fundamental freedoms, including the freedoms of opinion, expression and association.

- Benin, CRC, CRC/C/87 (1999) 35 at para. 148.

A systematic approach should be developed to increase public awareness of the participatory rights of children and to encourage respect for the views of the child within schools, families, and the care and judicial systems.

See also:

- Georgia, CRC, CRC/C/97 (2000) 18 at para. 105.
- Chad, CRC, CRC/C/87 (1999) 45 at paras. 183 and 185.

Paragraph 183

Implementation of article 12 of the Convention regarding the need to give due weight to the views of the child in accordance with the age and maturity of the child is excessively constrained by subjective interpretation under existing legislation. Existing legislation should be reconsidered, without neglecting the need for special support, to ensure the right of children under 18 to give evidence in court without being accompanied by their parents or guardians.

Paragraph 185

The State party should redouble its efforts to protect children from harmful information and material and to educate and sensitize parliamentarians and government officials, professional groups, parents and children on the importance of fully accepting the concept of child rights, and legislative measures should be envisaged to guarantee the enjoyment of civil rights and freedoms for every child.

- Nicaragua, CRC, CRC/C/87 (1999) 54 at paras. 229 and 231.

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Paragraph 229

Domestic legislation (e.g. the Code on Children and Adolescents) has included the principles of the “best interests of the child” (art. 3) and “respect for the views of the child” (art. 12). Nevertheless, the lack of practical implementation of these principles, in particular that the child's right to express his/her views in a judicial or administrative procedure affecting him/her, as established in article 17 of the Code on Children and Adolescents, may not be respected in all cases in a culture where respect of the views of the child is not fully developed. Further efforts should be made to ensure the implementation of the principles of “best interests of the child” and “respect for the views of the child”, especially his or her right to express his/her views in the family, at school, within other institutions and in society in general. With regard to article 17 of the Code on Children and Adolescents, the evolving capacity of the child should always be taken into consideration in all judicial and administrative processes or decisions affecting the child.

Paragraph 231

Further measures, including legislative reform, should be undertaken to promote the participation of children in the family, the school and other institutions and social life, as well as the effective enjoyment of their fundamental freedoms, including the freedom of opinion, expression, and association.

See also:

- Ethiopia, CRC, CRC/C/62 (1997) 12 at para. 89.
- Mexico, CRC, CRC/C/90 (1999) 34 at para. 181.
- Peru, CRC, CRC/C/94 (2000) 64 at para. 373.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 153 and 154.

Paragraph 153

The importance of promoting respect for the views of the child and encouraging child participation is emphasized.

Paragraph 154

The State party is encouraged to promote public awareness of the participatory rights of children and to take effective measures to ensure respect for the views of the child within schools, families, social institutions, and the care and judicial systems.

See also:

- Djibouti, CRC, CRC/C/97 (2000) 96 at paras. 538 and 539.

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- Costa Rica, CRC, CRC/C/94 (2000) 37 at para. 225.

The State party's domestic legislation has integrated provisions guaranteeing the participatory rights of children. However, concern remains that in practice these rights are not sufficiently implemented. In the light of articles 12 to 17 and other related articles of the Convention, it is recommended that further efforts be made to ensure the implementation of the participatory rights of children, especially their rights to participate in the family, at school, within other institutions and in society in general. Awareness raising among the public at large, as well as educational programmes on the implementation of these principles, should be reinforced in order to change traditional perceptions of children as objects and not as subjects of rights.

- The Former Yugoslav Republic of Macedonia, CRC, CRC/C/94 (2000) 45 at paras. 257 and 258.

Paragraph 257

Recognizing the provisions in domestic legislation protecting the child's rights to have views heard, the Committee remains concerned that implementation of this right is not adequately reflected in administrative policy and practice, including in the activities of the Centre for Social Work.

Paragraph 258

In the light of article 12 of the Convention and recognizing the progress made by the State party in respecting the right of children to have their views heard through the children's parliament and in schools, it is recommended that the State party continue to take all appropriate measures to ensure that children are provided with appropriate opportunities to express their views and that these are given due weight, in accordance with the provisions of the Convention.

- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 320 and 321.

Paragraph 320

Respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, care institutions, the courts and, especially, within the family.

Paragraph 321

The State party is encouraged to promote and facilitate within the family, the school, care institutions and the courts respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. The State party should develop training programmes in community settings for teachers, social workers and local officials in assisting children to make and express informed decisions, and to have their views taken into consideration.

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See also:

- India, CRC, CRC/C/94 (2000) 10 at paras. 66 and 67.
 - Jordan, CRC, CRC/C/97 (2000) 31 at paras. 185 and 186.
 - Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 294 and 295.
 - Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 291 and 292.
 - Egypt, CRC, CRC/C/103 (2001) 36 at paras. 230 and 231.
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- Grenada, CRC, CRC/C/94 (2000) 72 at para. 398.

The full implementation of article 12 of the Convention continues to be limited by traditional practices, culture and attitudes which promote the philosophy that “children should be seen and not heard” and that “children are the property of their parents”. The State party should seek to reinforce the necessary infrastructure and develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities, schools, and care, administrative and judicial systems.

- South Africa, CRC, CRC/C/94 (2000) 81 at paras. 432 and 454.

Paragraph 432

Concern is expressed that traditional practices and attitudes still limit the full implementation of article 12 of the Convention, particularly in the provinces and at the local level. The State party is encouraged to continue promoting public awareness of the participatory rights of children and encouraging respect for the views of the child within schools, families, social institutions, and the care and judicial systems. Teachers should be trained to enable students to express their views, particularly in the provinces and at the local level.

Paragraph 454

It is noted that domestic legislation guarantees the cultural, religious and linguistic rights of children, particularly as regards education and adoption procedures. That customary law and traditional practice continue to threaten the full realization of the rights guaranteed to children belonging to minority groups is a concern. All appropriate measures should be undertaken to ensure that the rights of children belonging to minority groups, including the Khoi-Khoi and San, are guaranteed, particularly those rights concerning culture, religion, language and access to information.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 40, 41 and 52-55.

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Paragraph 40

Concern is expressed that the definition of the child, under Note 1 of article 1212 of the Civil Code and Note 1 of article 49 of the Islamic Penal Law, which provide for the attainment of majority at predefined ages of puberty, result in arbitrary and disparate application of laws and discriminate between girls and boys with respect to legal capacity (including minimum age for marriage), civil liability and age of criminal responsibility.

Paragraph 41

Legislation should be reviewed so that the definition of the child and minimum age requirements conform to the principles and provisions of the Convention, and in particular that they are gender neutral, and to ensure that they are enforced.

Paragraph 52

Respect for the views of the child remains limited owing to traditional attitudes towards children in schools, the courts, and especially within the family. That a child's view may only be represented in judicial proceedings affecting him or her through the father, paternal grandfather or other appointed guardian and not directly by the child is a concern. Article 1041 of the Civil Code providing that the marriage of a minor is valid if the father or legal guardian has given his consent, notwithstanding the views of the child, is incompatible with the Convention.

Paragraph 53

The State party is encouraged to promote and facilitate within the family, the school, the courts and administrative bodies respect for the views of children and their participation in all matters affecting them in accordance with article 12 of the Convention. In this regard, skills-training programmes should be developed in community settings for teachers, social workers and local officials to enable them to assist children to express their informed decisions and take these views into consideration. The State party should take all necessary measures to halt early and forced marriages, including public education campaigns, particularly in rural areas.

Paragraph 54

Although the freedoms of expression and assembly are formally recognized in the Constitution, the exercise of these rights by children are restricted by vaguely worded limitation clauses (i.e. "in accordance with Islamic criteria"), which potentially exceed the permitted restrictions set out in paragraph 2 of articles 13 and 15 of the Convention. Concern is expressed about reports of incidents of threats and violence by vigilante groups, such as Ansari-Hezbollah, directed at persons seeking to service or to promote the exercise of these rights.

Paragraph 55

Clear criteria should be established to assess whether a given action or expression is in accordance with interpretations of Islamic texts, and appropriate and proportionate means to protect public morals should be considered while safeguarding the right of every child to freedom of expression and

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assembly.

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 104, 106 and 107.

Paragraph 104

Note is taken of the State party's efforts to encourage respect for the views of the child in court and administrative proceedings as well as within the school environment through, *inter alia*, the establishment of school councils where students are represented and allowed to promote the views of their peers. However, concern is expressed that the views of children are still not adequately respected within the family and in society generally.

Paragraph 106

It is noted with concern that the law prohibits youth from becoming members of political parties and that this prohibition limits the opportunity for youth to learn about the political process, delays their preparation for political leadership, and denies their full right to freedom of association.

Paragraph 107

In light of article 15 of the Convention, legislation should be amended to ensure that youth are allowed to join political parties and that they fully enjoy their right to freedom of association.

- Norway, CRC, CRC/C/97 (2000) 43 at paras. 233, 234, 257 and 258.

Paragraph 233

The Committee joins the State party in expressing concern that in practice children's views are insufficiently heard and taken into consideration. Concern is expressed that many children are not aware of their rights in this domain under the Convention and national laws. The opportunities which have been created for their views to be expressed is a concern.

Paragraph 234

Taking note of the State party's recent commitments, it is recommended that efforts be continued to inform children and others, including parents and legal professionals, of children's rights to express their views and of the mechanisms and other opportunities which exist for this purpose. The extent to which children's views are taken into consideration and the impact this has on policy, programme implementation and on children themselves should be regularly reviewed.

Paragraph 257

Concern is expressed that the principles of the Convention are not entirely respected with regard to asylum-seeking children. Specifically, child applicants for asylum are provided with insufficient opportunities to participate in their application process and their views are insufficiently taken into

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consideration. Positive mechanisms, such as the appointment of individual guardians for each unaccompanied asylum-seeking child, are not implemented to their full extent. Furthermore, concern is expressed about the delays in the processing of asylum applications and about the fact that some child applicants are not integrated into local education systems.

Paragraph 258

Recognizing the State party's ongoing plans to improve child participation in these procedures, the State party is encouraged to pursue these efforts and should review its procedures for considering applications for asylum from children, whether accompanied or unaccompanied, to ensure that children are provided with sufficient opportunities to participate in the proceedings and to express their concerns. Recognizing the valuable contribution that can be made by the guardian mechanism developed by the State party, additional efforts should be made to implement the mechanism and to ensure that it functions as intended, including through the provision of appropriate training to guardians.

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 279, 298 and 299.

Paragraph 279

Emphasis is placed on the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, ill-treatment, and juvenile justice. A systematic approach to involve civil society should be considered, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. Greater efforts should be made to involve relevant State actors, such as local government officials and the police, in the dialogue with civil society. The State party is encouraged to support initiatives aimed at strengthening the role of civil society and to equip State actors with the knowledge and skills essential for working in partnership with local institutions.

Paragraph 298

Concern is expressed that persons under 18 are restricted in their freedom of association.

Paragraph 299

It should be ensured that any restrictions that are imposed comply strictly with limitations that are in accordance with article 15, paragraph 2, of the Convention and are "imposed in conformity with the law and...are necessary in a democratic society in the interests of national security or public safety, public order, the protection of health or morals or the protection of the rights and freedoms of others".

- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 363 and 364.

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Paragraph 363

With regard to children's participatory rights, concern is expressed at the insufficiency of the measures undertaken by the State party to promote the participation of children in the family, the community, the schools and other social institutions, as well as to ensure the effective enjoyment of their fundamental freedoms, including freedom of opinion, expression and association.

Paragraph 364

In light of articles 12-17 of the Convention, measures should be undertaken, including legislation reform, to promote the participation of children in the family, the school and other institutions, as well as to ensure the effective enjoyment of their fundamental freedoms, including the freedoms of opinion, expression and association. Public awareness of the participatory rights of children needs to be increased in families, communities, institutions and schools.

See also:

- Malta, CRC, CRC/C/97 (2000) 75 at paras. 424 and 425.

- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 477 and 478.

Paragraph 477

While it is noted that the views of children over 12 may be heard in cases of adoption and that a bill has been prepared to apply the same rule in cases of custody and visitation after divorce, concern is expressed about the limited scope of the Bill. The full implementation of article 12 of the Convention continues to be limited by traditional practices, culture and attitudes which consider children who express their views and opinions as "impudent" and "impertinent".

Paragraph 478

The State party should review and expand the scope of the Bill providing for the opinion of children to be heard in custody and visitation rights cases; develop a systematic approach to increasing public awareness of the participatory rights of children; and encourage respect for the views of the child within the family, communities, schools, and in the care, administrative and judicial systems.

- Finland, CRC, CRC/C/100 (2000) 8 at paras. 47, 48 and 53-56.

Paragraph 47

It is noted that the State party has made efforts to include the principles of the best interests of the child and the right of the child to be heard in recent revisions to legislation, such as the Act on the status and rights of persons using social welfare services.

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Paragraph 48

The State party is invited to continue to take all necessary measures to better reflect in its legislation and its policies the general principles of the Convention, in particular non-discrimination (art. 2), the best interests of the child (art. 3), the right to development (art. 6) and respect for the views of the child (art. 12).

Paragraph 53

Concern is expressed that the views of children, in particular those below 12 years of age, are not always taken into full consideration, especially in child custody cases and access disputes taken to court.

Paragraph 54

The views of children under 12 years of age who are affected by a judicial proceeding should always be heard, if they are considered to be mature enough, and this should take place in a child-friendly environment. The State party should undertake a regular review of the extent to which children's views are taken into consideration and of their impact on policy-making and court decisions, programme implementation and on children themselves.

Paragraph 55

While acknowledging the participation of students at the upper secondary level, not enough attention is paid to the participation of children in education at the primary and lower secondary level.

Paragraph 56

The State party is encouraged to take effective measures to enhance children's participation in educational activities concerning them.

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 105, 106, 117 and 118.

Paragraph 105

Concern is expressed that civil society, including NGOs, have insufficient opportunities to influence policy making and implementation with regard to children's rights. Children do not have sufficient opportunities to participate in this process.

Paragraph 106

It is recommended that the State party take steps to involve a wide range of NGOs in child rights policy-making and implementation including, in particular, at the provincial and communal levels. Children should be provided with more opportunities to participate in the work of NGOs.

Paragraph 117

Children are not given enough opportunities to express their views, and their opinions are not taken

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into consideration sufficiently, in particular within the family and in schools.

Paragraph 118

In the light of article 12 of the Convention, it is recommended that the State party provide educational information to, *inter alia*, parents, teachers, government administrative officials, the judiciary and the public in general on children's rights to participate and to have their views taken into consideration.

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 235 and 236.

Paragraph 235

It is noted that in many of the Overseas Territories, efforts have been made to ensure respect for the views of the child in family courts, in accordance with his or her evolving capacity. However, insufficient efforts have been made in many of the Overseas Territories to ensure the full implementation of article 12 of the Convention.

Paragraph 236

The Overseas Territories should seek to reinforce the necessary infrastructure and develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities, schools and care, administrative and judicial systems.

- Tajikistan, CRC, CRC/C/100 (2000) 53 at para. 280.

Recognizing that the process of transition has led to the dismantling of many public social regulators, the Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, ill-treatment and juvenile justice. The State party should consider systematically involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. In this regard, a reduction of the registration fees for NGOs could be a first step in facilitating their participation. Greater efforts should be made to involve relevant State actors, such as local government officials, and the police in the dialogue with civil society. The State party is encouraged to support initiatives aimed at strengthening the role of civil society and to equip it with the knowledge and skills essential for working in partnership with local communities and local government.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 431 and 432.

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Paragraph 431

The Committee joins the State party in expressing its concern for the limited respect given to the views of children, including as a result of customary and traditional practices, in schools and in the family and particularly within rural communities.

Paragraph 432

In light of article 12 of the Convention, it is recommended that the State party promote the right of children to express their views through the adoption and implementation of appropriate legislation, through the sensitization of key professional groups and the family, through use of the media and through other activities targeting the public in general and parents and schools in particular.

- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 513 and 514.

Paragraph 513

Traditional attitudes still prevailing in the country may not be conducive to the full participation of children in family, school and social life.

Paragraph 514

The State party should seek to develop a systematic approach, with the involvement of professionals working with children, in particular teachers, and civil society, including community leaders and NGOs, to increase public awareness of the participatory rights of children and encourage respect for the views of the child within the family, schools, and generally in society. The State party is encouraged to recognize the right of children to have their views heard and taken into account in the determination of policy-making at every level and in particular actions taken by social welfare institutions, courts of law and administrative authorities.

- Slovakia, CRC, CRC/C/100 (2000) 100 at paras. 560 and 561.

Paragraph 560

The Constitution of Slovakia and other legislation provide adequate protection for the child and his or her family, which ensures the child's well-being. However, the concept of the best interests of the child and consideration for the views of the child are not explicitly included in legislative and administrative measures. Respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, care institutions, the courts and, especially, within the family.

Paragraph 561

Legislation and administrative measures should be reviewed to ensure that articles 3 and 12 of the Convention are duly reflected therein. The State party is encouraged to promote and facilitate within

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the family, the school, care institutions and the courts respect for the views of children and their participation in all matters affecting them. The State party should develop skills-training programmes, in community settings, for teachers, social workers and local officials, in assisting children to make and express their informed decisions and to have these views taken into consideration.

- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 622 and 623.

Paragraph 622

Serious concern is expressed at the way in which the principle of respect for the views of the child (art. 12) is interpreted in the State party, especially since, according to the report, a child needs to be “trained” to become a human being. In addition, with regard to children’s participatory rights, insufficient measures have been taken, especially to promote the participation of children in the family, in the community, at school and in other social institutions, as well as to ensure the effective enjoyment of fundamental freedoms, including freedom of opinion, expression and association.

Paragraph 623

The importance of promoting respect for the views of the child and encouraging child participation is emphasized. The State party is encouraged to promote public awareness of the participatory rights of children. Effective measures should be adopted to ensure respect for the views of the child within schools, families, social institutions and in the care and judicial systems, in accordance with the provisions of article 12 of the Convention.

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 48 and 49.

Paragraph 48

It is noted with concern that the principles of non-discrimination (art. 2 of the Convention), best interests of the child (art. 3) and respect for the views of the child (art. 12) are not fully reflected in the State party’s legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at both national and local levels.

Paragraph 49

The general principles of the Convention, in particular the provisions of its articles 2, 3 and 12, should be appropriately integrated in all relevant legislation concerning children and applied in all political, judicial and administrative decisions and in projects, programmes and services which have an impact on all children, including non-citizen children. These should guide the determination of policy-making at every level and actions taken by social and health welfare institutions, courts of law and administrative authorities.

See also:

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- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 270 and 271.
- Liechtenstein, CRC, CRC/C/103 (2001) 19 at paras. 104 and 105.

Paragraph 104

Concern is expressed that two general principles of the Convention, as laid down in articles 3 (best interests of the child) and 12 (respect for the views of the child), are not fully applied and duly integrated into the implementation of the policies and programmes of the State party.

Paragraph 105

Further efforts should be made to ensure the implementation of the principles of the best interests of the child and respect for the views of the child. In this connection, particular emphasis should be placed on the right of the child to participate in the family, at school, within other institutions and bodies, such as the Youth Council, and generally in society. The general principles should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large as well as educational programmes on the implementation of these principles should be reinforced.

- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 152 and 153.

Paragraph 152

Children's rights to be heard are insufficiently respected, particularly in rural areas. Young children and adolescents are not always permitted to express their opinions freely. While noting substantial improvements over the past decade, concerns remain that a broad range of the human rights of adults are not thoroughly respected and that this situation may create an environment in which the civil rights and freedoms of children are also not fully respected.

Paragraph 153

The State party should strengthen its efforts to ensure that children's right to be heard is respected. Every effort should be made to ensure that the right of children and adolescents to express opinions, including through peaceful demonstrations, is respected and that appropriate follow-up is given to recommendations of the Children's Forum. Additional efforts should be made to guarantee general respect for the human rights of adults.

- Egypt, CRC, CRC/C/103 (2001) 36 at para. 209.

The important role civil society plays as a partner in implementing the provisions of the Convention

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is emphasized, including with respect to civil rights and freedoms. The State party should consider a systematic approach to involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. In this regard, the State party should ensure that legislation regulating NGOs conforms to international standards on freedom of association, as a step in facilitating and strengthening their participation. Greater efforts should be made to involve relevant State actors, such as local government officials and the police, in the dialogue with civil society. The State party is encouraged to support initiatives aimed at strengthening the role of civil society.

- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 329, 330, 337 and 338.

Paragraph 329

The Committee joins with the State party in expressing concern at the need for additional technical assistance and international cooperation. Civil society, including NGOs, have insufficient opportunities to influence children's rights policy making and implementation. Further, concern is expressed that children do not have sufficient opportunities to participate in this process.

Paragraph 330

The State party should continue and strengthen its efforts to seek technical assistance and other forms of international cooperation, including from international NGOs, towards implementation of the Convention. The State party should continue and strengthen its support to national NGOs. Children should be provided with more opportunities to participate in the work of NGOs.

Paragraph 337

Some traditional practices and attitudes can limit implementation of the right of children, especially girls, to express their views and to participate in decision-making processes. It is noted with concern that the evidence of children is not given appropriate weight in courts of law. Concern is also expressed that the principle of the best interests of the child is not respected and that this situation is worsened by the limited implementation of children's right to be heard.

Paragraph 338

Effective measures should be taken to encourage respect for the views of the child, particularly girls, in schools, families, and the care and judicial systems (including the magistrature). The participatory rights of children should be promoted.

- Palau, CRC, CRC/C/103 (2001) 79 at paras. 448, 449, 454 and 455.

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Paragraph 448

The provisions of the Convention, especially its general principles, have not been fully taken into account, as reflected in articles 2 (non-discrimination), 3 (best interests of the child), 6 (survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, as well as in its policies and programmes relevant to children.

Paragraph 449

Further efforts should be undertaken to ensure that the Convention, and in particular the general principles, not only guide policy discussion and decision-making, but are also appropriately integrated in all legal amendments, as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

Paragraph 454

It is noted that the views of children aged 12 years and older are heard in court on matters relating to their own adoption and that children are heard in criminal cases. In other matters the right of the child to express his or her views in court is at the discretion of the judge. While noting that family law matters are generally dealt with under customary law, concern is expressed that traditional culture, values and attitudes may not always facilitate expression and consideration of the views of children.

Paragraph 455

In the light of article 12 of the Convention, the State party should develop a systematic approach to increase awareness, including among traditional leaders, of the participatory rights of children; and to further encourage respect for the views of the child in the family, communities, schools, and administrative and judicial systems.

- Dominican Republic, CRC, CRC/C/103 (2001) 91 at paras. 505 and 506.

Paragraph 505

The two general principles of the Convention, as laid down in articles 3 (best interests of the child) and 12 (respect of the views of the child), are not fully applied and duly integrated into the implementation of policies and programmes.

Paragraph 506

Further efforts should be made to implement the principles of the “best interests of the child” and “respect for the views of the child”, especially his or her rights to participate in the family, at school, within other institutions and in society in general in order to empower children to their fullest development and dignity. These principles should also be reflected in all policies and programmes relating to children. Awareness raising among the public at large, including community leaders, as well as educational programmes on the implementation of these principles should be reinforced in

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order to change traditional perceptions of children as objects rather than subjects of rights.

- Denmark, CRC, CRC/C/108 (2001) 10 at paras. 62 and 63.

Paragraph 62

The inadequate implementation of article 12 of the Convention and the fact that children below the age of 12 years do not have a right to be heard are matters of concern.

Paragraph 63

The necessary measures should be taken to ensure effective implementation of article 12 of the Convention, not only in court proceedings but also in various administrative decisions, including with respect to child protection services, custody proceedings and the placement of children in institutions. Moreover, the State party is urged to effectively promote and encourage respect for the views of children below the age of 12 years, according to his/her evolving capacities, and in light of article 12 of the Convention.

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 107, 108, 113, 114, 117 and 118.

Paragraph 107

It is of concern that the principles of non-discrimination (art. 2), best interests of the child (art. 3) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decision, or in policies and practices relevant to children at both the national and local levels.

Paragraph 108

The general principles of the Convention, in particular the provisions of articles 2, 3, and 12, should be appropriately integrated into all relevant legislation concerning children and applied in all political, judicial and administrative decision, as well as in projects, programmes and services which have an impact on children. These principles should guide planning and policy-making at every level, as well as actions taken by social and health welfare institution, courts of law and administrative authorities.

Paragraph 113

General practices and policies in the country do not encourage the freedom of expression of children and this is of concern. In practice, children's views are often not heard in administrative and judicial procedures, even when this is provided for in legislation.

Paragraph 114

In light of article 12 of the Convention, a systematic approach and policy should be developed, with the involvement of professionals working with children, in particular teachers and social services and

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civil society, including community leaders and NGOs, to increase public awareness of the participatory rights of children and to encourage respect for the views of the child within the family, school, and generally in society. The State party should recognize the right of children to have their views heard and taken into account in actions taken by social welfare institutions, courts of law and administrative authorities, including at the local level.

Paragraph 117

Concern is expressed that persons under 18 cannot join associations, including trade unions and non-governmental organizations. It is also noted with great concern that article 13 of the Turkish Civil Code of 1926, stating that children “shall not be entitled to exercise civil rights”, does not conform with the Convention.

Paragraph 118

In light of articles 13 and 15 of the Convention, the State party should ensure that children can form, join and leave associations freely and, in particular, that young persons who have reached the legal age for being employed can form, join and leave trade unions freely. The State party is further encouraged to consider reviewing its legislation in order to guarantee to children their civil rights and freedoms in accordance with the Convention.

See also:

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 251 and 252.

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 173, 174, 183 and 184.

Paragraph 173

It is of concern that the right of children to participate in decisions which affect them is not respected.

Paragraph 174

In light of article 12 of the Convention, the State party should increase awareness of the participatory rights of children and should further encourage respect for the views of the child within the family, communities, schools, and administrative and judicial systems.

Paragraph 183

Limitations on children's right to freedom of expression are of concern. Children have insufficient opportunities to express their opinions and to have these opinions taken into consideration.

Paragraph 184

Steps should be taken to strengthen respect for children's right to freedom of expression, including

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through promotion of the Convention's provisions among parents, teachers and children themselves and in State institutions.

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 307, 308, 313 and 314.

Paragraph 307

While noting the various proposals currently under discussion, concern is expressed about the disparity between the age of majority in civil matters (21 years) and in penal matters (18 years).

Paragraph 308

Legislation should be reviewed with a view to eliminating all disparities regarding minimum-age requirements, and greater efforts should be made to enforce the requirements.

Paragraph 313

While welcoming the existence of a Children's Parliament, it is of concern that respect for the views of the child remains limited within the family, in schools, in the courts and in the society at large, due to traditional attitudes.

Paragraph 314

The State party should promote and facilitate within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them in accordance with their evolving capacity, in light of article 12 of the Convention. The State party should also provide educational information to, among others, parents, teachers, government administrative officials, the judiciary and the society at large on children's rights to participate and to have their views taken into consideration.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 384 and 385.

Paragraph 384

Although the efforts of the State party are noted, including its support for a children's parliament, it is of concern that traditional practices and attitudes still limit the full implementation of article 12 of the Convention.

Paragraph 385

A systematic approach should be developed for increasing public awareness of the participatory rights of children, particularly at the local level and in traditional communities, and to encourage respect for the views of the child in families, schools, and the care and judicial systems.

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- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 438, 439, 454 and 455.

Paragraph 438

Noting good governmental cooperation in the development and welfare sectors with national associations, bilateral aid agencies, international organizations and NGOs, concern is nevertheless expressed that insufficient efforts have been made to involve civil society, particularly in the area of civil rights and freedoms, in the implementation of the Convention.

Paragraph 439

the State party should consider a systematic approach to involving civil society, especially children's associations, throughout all stages of the implementation of the Convention, including with respect to civil rights and freedoms. Legislation regulating NGOs should conform to international standards on freedom of association, as a step in facilitating and strengthening their participation.

Paragraph 454

The State party's efforts to respect the views of children in schools are noted (e.g. the 1997 school code of conduct). Nevertheless, there is concern that traditional attitudes towards children in society at large may limit the exercise of this right, especially within the family.

Paragraph 455

The State party should continue to promote and facilitate, within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. The State party should also develop skills-training programmes in community settings for teachers, social workers and local officials at the village-block level to assist children to express their informed views and opinions, and to have them taken into consideration. Assistance should be sought from, among others, UNICEF.

- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 509 and 510.

Paragraph 509

Children have insufficient opportunities under the law to have their opinions taken into consideration, and existing legal provisions overly restrict to specific ages those children whose opinions can be considered.

Paragraph 510

The State party should adopt legislation and practices providing for greater flexibility in the consideration of a child's opinion, in accordance with evolving capacities and with a view to providing greater opportunities for children to be heard.