

Annex II

DAY OF GENERAL DISCUSSION

To Speak, Participate and Decide - The Child's Right to be Heard

OUTLINE

1. On 15 September 2006 during its forty-third session, the Committee on the Rights of the Child will devote its annual Day of General Discussion (DGD) to "Speak, Participate and Decide - the Child's Right to be Heard". The Committee decided to take up this topic at its fortieth session (12-30 September 2005) pursuant to rule 75 of its provisional rules of procedures.

2. The purpose of the days of general discussion is to foster a deeper understanding of the contents and implications of the Convention as they relate to specific articles or topics. After the discussion the Committee adopts recommendations, taking into account the issues raised. Representatives of Governments, United Nations human rights mechanisms, United Nations bodies and specialized agencies, non-governmental organizations, national human rights institutions, as well as individual children and experts are invited to take part.

Approach and Objectives for the Day of General Discussion

3. In its consideration of the reports of States parties on implementation of the Convention on the Rights of the Child, the Committee has systematically stressed the importance of children's right to express their views in all matters affecting them, with those views being given due weight in accordance with the age and maturity of the child. The Committee has identified this right as one of the four general principles of the Convention. This means that the implementation of article 12 is an integral part of the implementation of the other articles of the Convention, as well as a free-standing right of the child.

4. The purpose of the day of general discussion, therefore, is to:

- Explore the meaning of article 12, its linkages to the other articles (in particular articles 3, 6, 9, 10, 11, 13, 15, 16, 19, 20, 22, 30 and 31), and the implications of the article for child participation, both as individuals and as a collective constituency, in all aspects of society;
- Focus on identifying the gaps, certain good practices and priority issues that need to be addressed in order to further the enjoyment of the right of the child to be heard and to have those views taken into account, in a manner consistent with the Convention;
- Promote child participation and opportunities at all levels in the home, school,

community and wider society, as well as in emergencies, conflict and post-conflict situations.

5. In order to facilitate an in-depth discussion of these issues, the Committee has decided to convene two working groups which should focus on the two following sub-themes:

Group 1: The child's right to be heard in judicial and administrative proceedings

6. This group will focus on the individual child's right to be heard in any judicial or administrative proceedings affecting her or him as provided for in article 12. Such proceedings can be related to civil and criminal law, family and alternative care, protection, health, immigration status and schooling among others. In particular, the working group will clarify how this right is currently implemented, what the major stumbling blocks in implementation are, and whether specific standards need to be elaborated. It will also address certain questions including:

- What mechanisms and practical measures must be in place to afford children the opportunity to be heard in an appropriate and credible manner? What training is necessary and for whom?
- To what extent does the right to be heard in judicial or administrative proceedings include the right to be informed of decisions and their implementation? Can the right to be heard be waived by the child?
- Who determines when such mechanisms to ensure the child can be heard are initiated and how to give the child's views "due weight in accordance with the age and maturity of the child", and on what basis?
- Are specific procedures and legal provisions necessary to guarantee the child's right to be heard as a witness in a legal procedure? If so, what kind of measures should be considered? In this regard - does it make a difference whether it is a civil or criminal law procedure? If so, in what way?
- Should minimum standards for the exercise of the right to be heard in judicial and administrative proceedings be established and how could such standards be applied in emergencies, conflict and post-conflict situations?

Group 2: Children as active participants in society

7. This group will focus on the child's right to express views in various settings, such as the family, school, associations and politics, and to become active participants in decision-making processes in these settings. In this context articles 13 and 15 of the Convention are of particular relevance. The group will consider children both as individuals and as a specific constituency. It will also seek to identify the current situation related to this broader aspect of children's involvement in society, the main obstacles to ensuring that they actively participate, and ways forward. The influence of

social movements in advancing the right of the child to be heard will be taken into account. Questions to be addressed include:

- How have children been active as participants in society (concrete examples) and what is their assessment of such participation?
- How and when can direct participation by children move from consultation to active partnership and mobilize them to become initiators of an action or project?
- What mechanisms can be created to foster participation of children in school, associations and community settings?
- How can the effectiveness of children's participation be evaluated?
- How can an enabling environment conducive to child participation be created?
- Should child-led and youth groups and organizations be given legal status or recognition?
- Should children be able to participate fully in political processes before the age of 18?

Children as active participants in the Day of General Discussion

8. It is recommended that where possible, children and their organizations/networks be involved in the day of general discussion as participants.

PARTICIPATION IN THE DAY OF GENERAL DISCUSSION

9. Days of general discussion are public annual meetings at which representatives of Governments, United Nations bodies and specialized agencies, national human rights institutions, non-governmental organizations, including youth groups, and individual experts are welcome. The meeting will be held during the forty-third session of the Committee, at the Office of the United Nations High Commissioner for Human Rights (Palais Wilson, Geneva), on Friday, 15 September 2006.

10. The format of the day of general discussion is meant to allow participants to exchange views in a frank and open dialogue. However, due to time constraints, the Committee asks participants to avoid presenting formal statements during the discussion day. Written contributions are invited on the issues and topics mentioned, within the framework outlined above. In particular, the Committee is interested in receiving information (including from children) about the main difficulties, good practices and areas for and modalities of action related to child participation within the two working groups.

11. Contributions should be sent before 30 June 2006 electronically to:

CRCgeneraldiscussion@ohchr.org

Secretariat, Committee on the Rights of the Child
Office of the United Nations High Commissioner for Human Rights, UNOG-
OHCHR
CH-1211 Geneva 10
Switzerland

Expected outcomes

12. The Committee will adopt recommendations based on the presentations on the theme and the deliberations of the two working groups. It is expected that the day of general discussion and the subsequent recommendations will identify specific issues and principal concerns to be further studied and will also provide inputs into the drafting process of a general comment on article 12, which is being developed by the Committee in cooperation with UNICEF.

More information?

13. For more information on submission and registrations, please see the guidelines posted on the Committee's webpage at:

<http://www.ohchr.org/english/bodies/crc/discussion.htm>.