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IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Turkmenistan, CERD, A/57/18 (2002) 49 at para. 265.

265. The Committee...notes with deep concern that, according to information received, only the Russian Orthodox Church and the Sunni branch of Islam enjoy legal status, while other confessions are denied registration by the State party and their members are subject to increased persecution, such as disruption of religious services, including in private homes, prohibition of literature, detentions and ill-treatment of religious leaders, destruction of places of worship and restriction of freedom of movement imposed on religious leaders, which may be in contravention with article 5 of the Convention.

- Libyan Arab Jamahiriya, CERD, A/59/18 (2004) 21 at para. 108.

108. The Committee notes that, according to some information, there is no recognition of Amazigh language and culture in the Libyan Arab Jamahiriya and Amazighs are impeded from preserving and expressing their cultural and linguistic identity.

The Committee stresses the obligation of the State party, under article 5 of the Convention, to respect the right of Amazighs to enjoy their own culture and to use their own language, in private and public, freely and without discrimination...

- Mauritania, CERD, A/59/18 (2004) 61 at para. 340.

340. The Committee regrets the lack of information on the implementation of Order No. 091-024 of 25 July 1991, which prohibits political parties from identifying with a race, an ethnic group, a region, a tribe, or a brotherhood. It is concerned at reports that the Order has sometimes been improperly applied to certain political parties.

The Committee recommends that the State party guarantee respect for the freedoms of expression and association in its implementation of article 4 (a) and (b) of the Convention...

- Zambia, CERD, A/60/18 (2005) 75 at para. 401.

401. The Committee notes with concern the decision of the State party to appeal the High Court judgement in the case *Roy Clarke v. Attorney-General*, which quashed a deportation order concerning a British long-term resident on the basis that he would not have been

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punished for his journalistic activities if he were a *Zambian* citizen (art. 5 (d) (viii)).

The Committee recalls that under the Convention, differential treatment based on citizenship constitutes discrimination if the criteria for such differentiation are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim. It recommends to the State party that it respect the right to freedom of expression without any discrimination based on citizenship...

ICCPR

- Switzerland, ICCPR, A/57/40 vol. I (2002) 44 at para. 76(4).

(4) The Committee welcomes the repeal in March 1998, following its previous recommendations (see CCPR/C/79/Add.70, para. 28), of the Federal Decree on Political Speeches by Foreigners, which restricted the freedom of expression of foreigners without a permanent residence permit.

- Azerbaijan, ICCPR, A/57/40 vol. I (2002) 47 at para. 77(23).

(23) The Committee is concerned at reported obstacles imposed on the registration and free operation of non-governmental human rights organizations and political parties (articles 19, 22 and 25 of the Covenant).

The Committee urges the State party to take all necessary steps to enable national non-governmental human rights organizations to function without hindrance. With regard to political parties, the Committee urges the State party to take all necessary measures to ensure that registration is not used to silence political movements opposed to the Government and to limit the rights of association guaranteed by the Covenant. In particular, legislation should clarify the status of associations, non-governmental organizations and political parties in the period between the request for registration and the final decision; such status should be consistent with articles 19, 22 and 25.

- Sweden, ICCPR, A/57/40 vol. I (2002) 57 at para. 79(12).

(12) While it understands the security requirements relating to the events of 11 September 2001, and takes note of the appeal of Sweden for respect for human rights within the framework of the international campaign against terrorism, the Committee expresses its concern regarding the effect of this campaign on the situation of human rights in Sweden,

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in particular for persons of foreign extraction...The Committee also stresses the risk of violations of fundamental rights of persons of foreign extraction (freedom of expression and privacy), in particular through more frequent recourse to telephone tapping and because of an atmosphere of latent suspicion towards them (articles 13, 17 and 19 of the Covenant).

(a) The State party must ensure that measures taken under the international campaign against terrorism are fully in conformity with the Covenant. The State party is requested to ensure that the concern over terrorism is not a source of abuse;

...

- Viet Nam, ICCPR, A/57/40 vol. I (2002) 67 at para. 82(20).

(20) ...The Committee is concerned at reported obstacles imposed on the registration and free operation of non-governmental human rights organizations and political parties (arts. 19, 22 and 25). It is especially concerned about obstacles placed in the path of national and international non-governmental organizations and special rapporteurs whose task it is to investigate allegations of human rights violations in the territory of the State party.

The State party should take all the necessary steps to enable national and international non-governmental human rights organizations and political parties to function without hindrance.

- Republic of Moldova, ICCPR, A/57/40 vol. I (2002) 76 at paras. 84(13) and 84(16).

(13) The Committee remains concerned that artificial hurdles continue to exist in the State party for individuals and organizations seeking to exercise their religious freedoms under article 18 of the Covenant.

The State party should ensure that its law and policy relating to the registration of religious organizations fully respect the rights of persons within its jurisdiction to full and free expression of their religious beliefs, as required by article 18.

...

(16) The Committee is concerned that certain requirements that the State party places upon the registration of political parties, such as conditions with respect to the extent of their territorial representation, may violate article 25 of the Covenant by restricting the right of individuals to full expression of their political freedoms.

The State party should review its law and policy concerning the registration of political parties, removing those elements which are inimical to the full exercise of Covenant rights, in particular article 25.

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- Egypt, ICCPR, A/58/40 vol. I (2002) 31 at paras. 77(17) and 77(22).

(17) The Committee is concerned about infringements of the right to freedom of religion or belief.

(a) The Committee deplores the ban on worship imposed on the Baha'i community.

(b) The Committee is also concerned at the pressures applied to the judiciary by extremists claiming to represent Islam, who have even succeeded, in some cases, in imposing on courts their own interpretation of the religion (articles 14, 18 and 19 of the Covenant).

The State party must see to it that its legislation and practice are consistent with article 18 of the Covenant as regards the rights of the Baha'i community and reinforce its legislation, in particular Act No. 3 of 1996, to make it consistent with articles 14, 18 and 19 of the Covenant.

...

(22) The Committee notes the *de jure* and *de facto* impediments to the establishment and functioning of political parties, primarily created by the committee set up under the Political Parties Act No. 40 of 1977, without full guarantees of independence (articles 22 and 25 of the Covenant).

The State party should permit the democratic expression of political pluralism and thus abide by its obligations under the Covenant, taking into account the Committee's General Comment No. 25...

- Togo, ICCPR, A/58/40 vol. I (2002) 36 at paras. 77(3), 77(11), 77(13) and 77(17).

(3) The Committee wishes in particular to express its concern at the major contradictions between the many consistent allegations of serious violations of several provisions of the Covenant, notably articles 6, 7 and 19, and the sometimes categorical denials of the State party. In the view of the Committee, the State party has not demonstrated its resolve to get to the bottom of the allegations. Noting that the submission and consideration of reports are designed to institute a constructive and sincere dialogue the Committee encourages the State party to make every effort to that end.

...

(11) The Committee expresses its concern at the consistent information that law enforcement personnel make excessive use of force in student demonstrations and various gatherings organized by the opposition. The Committee is surprised at the State party's reply in this regard, to the effect that the security forces never make excessive use of force and that the demonstrators are principally the victims of movements within the crowd. The Committee regrets that the State party has made no mention of any inquiry having been

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opened following these allegations.

The State party should open impartial inquiries following any allegation relating to the excessive use of force by the security forces. In particular, such inquiries should be carried out into the December 1999 demonstrations by students and teachers, and the demonstrations organized by non-governmental human rights organizations and political parties which were reported to have been violently broken up during 2001 and 2002.

...

(13) The Committee, taking note of the State party's acknowledgement that arbitrary arrests sometimes take place, is concerned at the many reports of the arbitrary arrest of members of the opposition and civil society, human rights defenders and journalists, in violation of article 9 of the Covenant.

The State party should identify the prisoners who have allegedly been detained for political reasons in Togo, and review their situation. The State party should also ensure that persons who have been arbitrarily arrested are released as soon as possible, and that judicial proceedings are instituted against the perpetrators of such violations.

...

(17) The Committee is concerned at reports that opposition political parties lack practical access to public audio-visual and sound media and that the members of such parties are the target of continuous public slander campaigns in the media (articles 19 and 26 of the Covenant).

The State party should guarantee the fair access of political parties to public and private media and ensure that their members are protected against slander...

- Slovakia, ICCPR, A/58/40 vol. I (2003) 52 at para. 82(15).

(15) The Committee is concerned about the threat by governmental authorities of criminal prosecution of the authors of the publication "Body and Soul", under article 199 of the Criminal Code, for "spreading false rumours". While having been assured by the delegation that the Office of the Prosecutor General has dismissed the charges against the authors, the Committee is nevertheless concerned at the impact of the case on the exercise of the right to freedom of opinion and expression, particularly by human rights defenders (art. 19).

The State party should ensure that provisions of the Criminal Code are not used in such a way as to deter individuals from exercising their right to freedom of expression, in particular human rights defenders from carrying out independent research and publishing the results.

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at para. 64(21).

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(21) The Committee is concerned that journalists, researchers and environmental activists have been tried and convicted on treason charges, essentially for having disseminated information of legitimate public interest, and that in some cases where the charges were not proven, the courts have referred the matter back to prosecutors instead of dismissing the charges.

The State party should ensure that no one is subjected to criminal charges or conviction for carrying out legitimate journalistic or investigative scientific work, within the terms covered by article 19 of the Covenant.

- Colombia, ICCPR, A/59/40 vol. I (2004) 35 at para. 67(18).

(18) The Committee deplores information received regarding actions taken against human rights defenders, including intimidation and verbal and physical attacks originating at the highest political and military levels, as well as the interception of communications. Such acts constitute restrictions of their rights to freedom of expression and association.

The State party should halt such practices, and should also strengthen the protective measures that already exist in Presidential Directive 07 so that human rights defenders may fully enjoy the rights to freedom of expression and association recognized in articles 19 and 22 of the Covenant.

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at para. 84(18).

(18) The Committee is concerned that some representatives of non-governmental organizations had their passports confiscated and were thus prevented from attending a meeting of non-governmental organizations on the question of Western Sahara at the fifty-ninth session of the Commission on Human Rights in Geneva (Covenant, arts. 12 and 19).

The State party should apply article 12 of the Covenant to all its nationals.

- Tajikistan, ICCPR, A/60/40 vol. I (2005) 70 at para. 92(22).

(22) The Committee is concerned about the existence in the State party's Criminal Code of broadly worded crimes such as "injuring the honour and dignity of the President" and "attempt against the constitutional order", which may lend themselves to manipulation and limitation of freedom of speech (art. 19).

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The State party should bring its law and practice governing freedom of expression into line with the provisions of article 19 of the Covenant.

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at paras. 94(12) - 94(14).

(12) The Committee is concerned at the obstacles imposed on the registration and free operation of non-governmental human rights organizations in the State party and the intimidation, harassment and arrest of human rights defenders. It also continues to be deeply concerned about the continuing detention of several human rights defenders and the refusal to register certain human rights organizations (arts. 9, 14, 19, 21 and 22).

The State party should immediately release all persons detained because of their activities in the field of human rights and end all harassment and intimidation of human rights defenders. Furthermore, the State party should take urgent steps to amend all legislation that restricts the activities of these organizations, in particular state of emergency legislation which must not be used as an excuse to suppress activities aimed at the promotion and protection of human rights. The State party should ensure that its law and practice allow these organizations to operate freely.

(13) The Committee is concerned at the extensive limitations on the right to freedom of opinion and expression in practice, which go beyond the limitations permissible under article 19(3). Furthermore, the Committee is concerned at allegations that the Government has blocked access to some Internet sites used by human rights defenders or political activists (art. 19).

The State party should revise its legislation to ensure that any limitations on the right to freedom of opinion and expression are in strict compliance with article 19 of the Covenant.

(14) While welcoming the statement by the delegation that the Publications Act of 2001 is in the process of being appropriately revised, the Committee is concerned at its nature and application. The Committee has also noted in this regard the information provided by the delegation that a new law for audio-visual media is being prepared (art. 19).

The State party should ensure that all legislation governing audio-visual and print media and the licensing regime are in full compliance with the requirements of article 19, and that any limitations on the content of publications and media broadcasts fall within the strict limits permissible under article 19 (3).

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- China, ICESCR, E/2006/22 (2005) 25 at paras. 168 and 197.

168. The Committee notes with deep concern the restrictions placed on access to information with regard to academic research, foreign and domestic publications and the Internet.

...

197. The Committee urges the State party to remove restrictions on freedom of information and expression in the State party, to enable all persons under its jurisdiction to take part in cultural life, enjoy the benefits of scientific progress and its applications, and benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author.

CAT

- Ukraine, CAT, A/57/44 (2002) 31 at para. 57.

57. The Committee expresses its concern about the following:

...

(h) Long-term prison sentences for the non-violent expression of ideas and information;

(i) Reported threats and harassment, including ill-treatment, of independent journalists and others who have raised allegations of abuses by officials;

...

CRC

- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 50 and 51.

50. The Committee is concerned that the principles of non-discrimination (art. 2 of the Convention), best interests of the child (art. 3), right to life and maximum possible survival and development of the child (art. 6) 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 practices relevant to children at both national and local levels.

51. The Committee recommends that the general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12:

(a) Be appropriately integrated in all relevant legislation concerning children;

(b) Be applied in all political, judicial and administrative decisions, as well as in projects,

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programmes and services which have an impact on all children; and

(c) Guide planning and policy-making at every level, as well as actions taken by social and health welfare institutions, courts of law and administrative authorities.

- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 110 and 111.

110. The Committee notes with concern that, *inter alia*, traditional practices and attitudes still limit the full implementation of article 12 of the Convention.

111. The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children, particularly at the local level and in traditional communities, and encourage respect for the views of the child in the family, in schools and care institutions, and in the judicial system. The Committee further recommends that the State party introduce child-sensitive hearings for placement decisions and in courts and take into account the views of the child, according to their maturity and age.

- Portugal, CRC, CRC/C/111 (2001) 48 at paras. 226 and 227.

226. The Committee notes the State party's ongoing efforts to ensure child participation and welcomes the fact that the age at which a child's opinions must be heard in administrative and judicial proceedings affecting the child has been defined under relevant legislation and taken into consideration in accordance with the age and maturity of the child. The Committee notes, in addition, ongoing efforts to address concerns regarding cultural conceptions of the value of a child's opinion within schools and society (see paragraph 123 of the State party's report) and in decision-making at national and local levels in matters affecting children.

227. In the light of article 12, the Committee encourages the State party to continue to enhance child participation and respect for the opinions of the child, including at national and local levels and in accordance with the age and maturity of the child.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 355 and 356.

355. While noting that the much appreciated Children's Parliament serves as a forum for children to express their views, the Committee is concerned that respect for the views of the child remains limited within the family, in schools, in the courts and before administrative authorities and in the society at large owing to traditional attitudes.

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356. The Committee encourages the State party to pursue its efforts to:

(a) Promote and facilitate within the family, in schools, in the courts, including customary courts, and in administrative bodies respect for the views of children and their participation in all matters affecting them, in accordance with their age and maturity, in the light of article 12 of the Convention;

(b) Provide educational information to, *inter alia*, parents, teachers, government administrative officials, the judiciary, traditional leaders and society at large on children's right to participate and to have their views taken into consideration;

(c) Establish municipal councils for children.

See also:

- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 203 and 204.
- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 560 and 561.

560. In the light of article 13 (the child's right to seek, receive and impart information) and article 17 of the Convention (the right of access to information, including information and material from a diversity of cultural, national and international sources), the Committee is concerned that stringent registration and licensing requirements for the media and publications, as well as restrictions on Internet access, do not comply with article 13, paragraph 2, of the Convention.

561. The Committee recommends that the State party take all effective measures, including enacting or rescinding legislation where necessary, to ensure that the child's freedom of expression and the right of access to information are guaranteed and implemented.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 130 and 131.

130. The Committee is concerned that children's opinions are insufficiently taken into consideration in the context of judicial or administrative decisions, including in the context of child custody procedures following parental separation and decisions to place a child in a State institution, foster care, or other form of alternative care. The Committee is also concerned that the Youth Parliament does not represent the views of a sufficiently wide spectrum of children in the State party.

131. The Committee recommends that the State party:

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(a) Strengthen its efforts, including in respect of legislation, to ensure that children's views are heard and taken into consideration in all judicial, administrative and other decisions affecting them and in accordance with the child's age and maturity;

(b) Ensure that the Youth Parliament is representative of all sectors of the State party's child population, including children from distinct ethnic, religious, linguistic or cultural groups.

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 281 and 282.

281. While noting the State party's efforts to establish a child legislative assembly and consultations of children throughout the country, the Committee remains concerned that:

(a) The principle of respect for the views of the child is not expressly provided for in legislation;

(b) Children's views are not systematically sought and taken into consideration with regard to decisions that may affect them.

282. The Committee recommends that the State party:

(a) Continue and strengthen efforts to ensure the participation of children in all spheres that affect their lives, including through reinforcing the work of the children's parliament and the consideration of its recommendations;

(b) Adopt legislation providing for the principle of respect for the views of the child;

(c) Implement measures, including information campaigns and the training of professionals and children on this right, with a view to ensuring that children's views are respected, including in the family, at school and in institutions.

- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 408 and 409.

408. The Committee welcomes the introduction of the principle of respect of the views of the child in several laws such as the Children and Young Persons Act, the Adoption Act and the establishment of the Children's Parliament, but it remains concerned that, *inter alia*, traditional attitudes still limit the full implementation of article 12 of the Convention.

409. The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children in the best interests of the child, particularly at the local levels and in traditional communities, with the involvement

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of community and village leaders, and ensure that the views of the child are heard and taken into consideration in accordance with their age and maturity in families, communities, schools, care institutions, and the judicial and administrative systems. In that regard, the Committee recommends that the State party launch campaigns to change the traditional attitude and values which do not allow children to express their views.

- Guinea-Bissau, CRC, CRC/C/118 (2002) 12 at paras. 70 and 71.

70. The Committee is deeply concerned at the negative impact of the growing rate of HIV/AIDS infection on the cultural, economic, political, social and civil rights and freedoms of children infected with or affected by HIV/AIDS, including the Convention's general principles, with particular reference to rights to non-discrimination, to health care, education, food and housing, as well as to information and freedom of expression.

71. The Committee recommends that the State party:

(a) Integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, including by making use of the Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I) and with particular reference to children's rights to non-discrimination, health, education, food and housing, as well as to information and freedom of expression;

...

See also:

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 301 and 302.
- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 573 and 574.
- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 351 and 352.

- Belgium, CRC, CRC/C/118 (2002) 29 at paras. 112 and 113.

112. The Committee welcomes the information that several structures have been set up with the support of the State party through which children can make their views known. These include conferences, courses on children's rights, councils in schools and communities, and the "What do you think?" project. However, the Committee is concerned that children are not adequately informed on how they can have input into policies that affect them, nor how their views will be taken into consideration once they have been solicited; and that sufficient attention has not been accorded to the participation of primary and secondary students in school governance, including in areas such as school regulations and management of

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discipline. With respect to court or administrative proceedings affecting the child, the Committee is concerned that the right to be heard is largely discretionary under article 931 of the Judicial Code, and is not adequately guaranteed to the child. The Committee welcomes the information concerning a draft law in this regard.

113. The Committee recommends that the State party, in accordance with article 12, take further steps to promote and facilitate meaningful participation of children in society, including in schools. Moreover, it recommends that legislation governing procedure in courts and administrative proceedings ensure that a child capable of forming his/her own views has the right to express those views and that they are given due weight.

- Belarus, CRC, CRC/C/118 (2002) 54 at paras. 233 and 234.

233. The Committee notes with concern that the implementation of articles 13, 15 and 17 is limited.

234. The Committee recommends that the State party guarantee to all children the full implementation of the rights to freedom of expression, freedom of association and peaceful assembly and access to appropriate information, recognized in articles 13, 15 and 17 of the Convention.

- Tunisia, CRC, CRC/C/118 (2002) 68 at paras. 283 and 284.

283. The Committee is concerned that the right of the child to freedom of expression, including to receive information, and to freedom of association and peaceful assembly are not fully guaranteed in practice.

284. The Committee recommends that the State party take all necessary measures to ensure the full practical implementation of the rights to freedom of expression and freedom of association and peaceful assembly, in accordance with articles 13 and 15 of the Convention.

- United Arab Emirates, CRC, CRC/C/118 (2002) 90 at paras. 394 and 395.

394. The Committee notes information on the existence of a children's parliament in Shariah, student councils at secondary schools, as well as social service units, which deal with complaints about student behaviour. However, it is concerned that traditional attitudes towards children in society may limit the respect for their views, especially within the family and in schools. In particular, it is concerned that children are not adequately informed about how to have input into policies that affect them, nor about how their views will be taken into

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consideration once they have been solicited, and that sufficient attention has not been accorded to the participation of primary and secondary students in school governance, including in areas such as school regulations and management of discipline.

395. The Committee recommends that the State party:

(a) Continue to promote and facilitate within the family, the school, institutions, 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;

(b) Strengthen the mandate of the social service units to allow students to submit complaints about violations of their rights in the school setting;

(c) Develop skills-training programmes in community settings for parents, teachers, social workers, and local officials to support children to express their informed views and opinions and to have them taken into consideration; and

(d) Seek assistance from, among others, UNICEF.

- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 555 and 556.

555. While noting the State party's efforts in this regard, including the establishment of Youth Summits Youth Advisory Groups, and a Youth Parliament, the Committee remains concerned that:

(a) The views of the child are still not fully respected and taken into account at school and at home;

(b) Few of the Youth Advisory Groups are still active, and the Youth Parliament only includes a minority of persons under 18.

556. The Committee recommends that the State party:

(a) 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, according to their age and majority;

(b) Provide information to children and their parents, teachers, government officials, the judiciary, traditional leaders and society at large on children's right to participate and to have their views taken into account;

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(c) Continue and strengthen its efforts to assure child participation in all spheres that affect their lives, including through reinforcing the work of and increasing the number and representation of children involved in Youth Parliaments, Summits and Advisory Groups, and ensure that girls in particular take an active role within these bodies and other participatory mechanisms;

(d) Ensure that the current education reforms include specific mechanisms to guarantee children's involvement and expression in school policy and the development of curriculum.

- Argentina, CRC, CRC/C/121 (2002) 8 at paras. 57 and 58.

57. The Committee notes that the right of all children to participate in schools, as well as outside in all matters concerning them, needs to be further strengthened.

58. In light of article 12, the Committee recommends that the State party:

(a) Follow up on the Committee's previous recommendation ([CRC/C/15/Add.36], para. 21) that further steps be taken to encourage the active participation of children in schools, and in society in general, in the spirit of article 12 of the Convention;

(b) Make sure that all children mature enough to express their views are heard in all judicial and administrative procedures affecting them;

(c) Undertake campaigns to make children, parents, professionals working with and for children and the public at large aware that children have the right to be heard and to have their views taken seriously.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 121, 122, and 140.

121. The Committee welcomes the increasing encouragement of participation of and consultation with children in government, local authorities and civil society throughout the State party, the establishment of a consultative process with children in local authority service planning, the establishment of a youth advisory forum in the Children and Young People's Unit and other platforms for children and young people in all parts of the State party, such as the Scottish Youth Parliament. However, the Committee is concerned that the obligations of article 12 have not been consistently incorporated in legislation, for example in private law procedures concerning divorce, in adoption, in education and in protection throughout the State party. In addition, the Committee is concerned that the right of the child to independent representation in legal proceedings, as laid down in the Children Act

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1989, is not systematically exercised. The Committee is also concerned that in education, schoolchildren are not systematically consulted in matters that affect them. The Committee notes that groups of children in the State party expressed their feelings that their views are duly taken into consideration.

122. The Committee recommends that the State party, in accordance with articles 12 to 17 of the Convention, take further steps to promote, facilitate and monitor systematic, meaningful and effective participation of all groups of children in society, including in schools, for example through school councils. Furthermore, it recommends that the State party take further steps to consistently reflect the obligations of both paragraphs of article 12 in legislation, and that legislation governing court procedures and administrative proceedings (including divorce and separation proceedings) ensure that a child capable of forming his/her own views has the right to express those views and that they are given due weight. The Committee further recommends that procedures be established that would allow the views expressed by children to be taken into account in and to have an impact on developing programmes and policies affecting them.

...

140. In light of articles 2, 12, 28 and 29 of the Convention, and in line with its previous recommendations ([CRC/C/15/Add.34], para. 32), the Committee recommends that the State party:

(a) Ensure that legislation throughout the State party reflects article 12 and respects children's rights to express their views and have them given due weight in all matters concerning their education, including school discipline;

...

- Seychelles, CRC, CRC/C/121 (2002) 41 at paras. 193 and 194.

193. While acknowledging the State party's efforts to destigmatize and streamline judicial proceedings with respect to family issues through the creation of the Family Tribunal, the Committee is concerned that the functioning of the Tribunal is not always in conformity with the principles and provisions of the Convention.

194. The Committee recommends that the State party:

(a) Ensure that the general principles of the Convention, in particular the best interests principle and respect for the views of the child, are integrated into all proceedings and decisions of the Family Tribunal;

...

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- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 250 and 251.

250. While welcoming efforts to establish children's parliaments, the Committee remains concerned that the views of the child, especially girls, are not often respected and may be seen as contrary to traditional concepts of the role of the family, clan and tribe.

251. The Committee recommends that the State party:

(a) Ensure full respect for the views of the child and consider ways of ensuring that a child's views are given due consideration in accordance with the age and maturity of the child within the family, clan and tribe;

(b) Give particular attention to ensuring respect for the views of girls.

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 453 and 454.

453. While welcoming the establishment of a Children's Parliament, the Committee is concerned that, owing to traditional attitudes, respect for the views of the child remains limited within the family, in schools, in the courts before administrative authorities and in society at large.

454. The Committee encourages the State party to pursue its efforts:

(a) To promote and facilitate, within the family, the schools, the courts and administrative bodies, through the adoption of legislation, respect for the views of children and their participation in all matters affecting them, in accordance with their age and maturity and in light of article 12 of the Convention;

(b) To provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, traditional leaders and society at large on children's rights to participate and to have their views taken into consideration;

(c) To promote the activities, and take duly into consideration the decisions, of the Children's Parliament and take care that all groups of children are represented.

- Poland, CRC, CRC/C/121 (2002) 120 at paras. 523 and 524.

523. The Committee notes the State party's efforts to require administrative and judicial proceedings to take into account the views of the child, but is concerned that in practice this principle is not always implemented, particularly in proceedings involving unaccompanied

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children applying for refugee status, juvenile offenders and children placed in institutions, as well as in custody hearings.

524. The Committee recommends that the State party:

(a) Take effective measures, including legislation, to promote and facilitate respect for the views of children, by courts and all administrative bodies and the participation of children in all matters affecting them, in accordance with article 12 of the Convention;

(b) Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, the Roman Catholic Church and other religious groups, and society at large, on children's right to have their views taken into account and to participate in matters affecting them.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 114 and 115.

114. The Committee is concerned at the limitations on students' freedom of expression and association due to strict administrative control of student councils and school regulations that limit or prohibit outside political activities of students in elementary and secondary schools. It is further concerned about allegations that Internet chat rooms, set up independently by teenagers, have been arbitrarily closed down by the authorities.

115. In the light of articles 12 to 17 of the Convention, the Committee recommends that the State party amend legislation, guidelines issued by the Ministry of Education and school regulations to facilitate children's active participation in decision-making processes and in political activities both within and outside schools and ensure that all children fully enjoy their right to freedom of association and expression.

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 356 and 357.

356. The Committee welcomes the amendment to the Civil Procedure Code, including the information by the State party referring to the regulation of the respect for the child's views in the Act on Social and Legal Protection of Children and by amendment to the Act on the Family. The Committee is concerned that children's participation in other areas, such as school and institutions, is not regulated by legislation or sufficiently observed in practice. Furthermore, the Committee is concerned that awareness of these provisions is quite low, thus contributing to weak observance.

357. The Committee recommends that the State party introduce a comprehensive legal provision establishing the right of the child to participate that would be applicable to courts,

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administrative bodies, institutions, schools, childcare institutions and families in matters affecting children, and guarantee the right to appeal the decisions, in accordance with article 12 of the Convention. Awareness-raising and educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions of children as objects rather than subjects of rights.

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 53 and 54.

53. The Committee, noting that the State party's Constitution guarantees the right to freedom of expression and religion, is concerned at reports that measures affecting children and young people were taken against students and religious groups, indicating that these rights were not fully upheld.

54. The Committee recommends that the State party take all necessary measures to ensure that these rights are fully respected for all children, as stipulated in the Convention, and that violations of the freedom of expression and religion are prevented.

- Syrian Arab Republic, CRC, CRC/C/132 (2003) 116 at paras. 560 and 561.

560. The Committee is concerned that the reference in the report to information contained in the initial report indicates that very little or no progress has taken place with respect to the implementation of articles 13 to 17 of the Convention on these matters.

561. The Committee recommends that the State party actively promote the implementation of these rights by, among other things, making children more aware of these rights and by facilitating their active use in daily practice...

- Kazakhstan, CRC, CRC/C/132 (2003) 129 at paras. 611 and 612.

611. The Committee welcomes the legislative provisions for measures designed to guarantee the right of children to express their views freely and to have those views taken into account. However, the Committee remains concerned that the age-limit set in this regard may hinder opportunities for children below this age to be heard, and that traditional attitudes towards children in society may limit the exercise of the rights contained in article 12 of the Convention.

612. The Committee recommends that the State party:

- (a) Promote and facilitate, within the family and the school as well as in judicial and

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administrative procedures, listening to children and giving their views due weight, including children who are below the legal age-limit of 10 years if they are considered to be mature enough in this regard, so that children can participate in all matters affecting them, in accordance with article 12 of the Convention;

...

- Georgia, CRC, CRC/C/133 (2003) 111 at paras. 542 and 543.

542. The Committee is concerned at the lack of legal guarantees for the freedom of expression for children below 18 years of age. It is also concerned at the inadequate attention being given to the promotion of and respect for the right of the child to freedom of expression and that prevailing traditional societal attitudes, in the family and in other settings regarding the role of children, appear to make it difficult for children to seek and impart information freely.

543. The Committee recommends that the State party take all appropriate measures, including amendments to legislation, to promote and guarantee the right of the child to freedom of expression within the family, in the school and other institutions and in society.

- Guyana, CRC, CRC/C/137 (2004) 26 at paras. 142 and 143.

142. The Committee takes note of the establishment of Children and Youth Parliaments. However, given the strong traditional views, the Committee remains concerned that children have limited opportunities freely to express their views in schools, courts or within the family.

143. The Committee welcomes the information that the right of the child to express his or her views freely (article 12 of the Convention) will be included in the draft Children's Bill (art. 25) and recommends that the State party ensure that children's views are given due consideration in the family, schools, courts, and relevant administrative and other processes through, *inter alia*:

(a) Expanding further the Child-friendly Classroom Programmes, the student councils and other forms of child participation;

(b) Training professionals working with and for children as well as the use of information campaigns.

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at paras. 350 and

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351.

350. The Committee welcomes the establishment of a National Youth Council both in the Netherlands and Aruba, and the financial support given to those Councils by the State party. The Committee also notes with satisfaction the survey entitled “Join the discussion about your rights” of young people aged 12-18 in the Netherlands in 2002, which illustrated significant awareness of their rights and allowed youth to express concerns about their rights. However, the Committee is concerned that, in the Netherlands, organizations made up of young people of foreign origin have not fully enjoyed their right to express their views freely and to have them taken into account.

351. The Committee recommends that the State party, in the Netherlands, strengthen its support of the National Youth Council and youth organizations, and intensify its support of organizations made up of young people of foreign origin and integrate them into networks of dialogue and participation. The Committee also recommends that the State party continue its support of the National Youth Council in Aruba, and urges the State party to support a survey of youth about their rights in Aruba, such as the one undertaken in the Netherlands.

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 534, 555 and 556.

534. The Committee welcomes a number of positive developments in the reporting period, including:

...

(g) The adoption of the new Civil Procedures Act in 2003, which strengthens the rights of the child to be heard in civil procedures, as well as of other legislative measures...

...

555. The Committee notes with interest the adoption of the new Civil Procedure Act in 2003, which provides children aged 15 or over and capable of understanding the meaning and legal consequences of their actions with the opportunity to be engaged independently in legal proceedings. The Act also prescribes that the court, when ruling on the upbringing and care of children, must notify a child aged 10 years or over of his or her right to express his or her views. However, the Committee is concerned that children are still often not allowed a possibility to present their views when they are in contact with public institutions and social services, including Social Work Centres.

556. The Committee recommends, in the light of article 12 of the Convention, that measures be taken to ensure that children are given the opportunity to be heard not only in civil law procedures (such as those relating to custody and visitation rights) but in all other legal procedures and decision-making processes, including at Social Work Centres. Furthermore, the Committee recommends that the right to be heard should be extended also to children below the age of 10 who are able to understand the significance of the proceedings.

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- France, CRC, CRC/C/140 (2004) 124 at paras. 600, 601, 639 and 640.

600. The Committee welcomes the legislative efforts made by the State party to reinforce the rights of the child to express her/his views freely in all matters concerning her/him and have them duly taken into account. However, the Committee remains concerned at inconsistencies in legislation as well as the fact that in practice, the interpretation of the legislation, and determination of which child is “capable of discernment”, may leave possibilities of denying a child this right or make it subject to the child’s own request and may give rise to discrimination. In addition, the Committee is concerned at the conclusion of the Special Rapporteur on the sale of children, child prostitution and child pornography that, in practice, most judges are not willing to hear children and that in the past, justice has failed child victims of sexual abuse (E/CN.4/2004/9/Add.1, paras. 85 and 89).

601. The Committee recommends that the State party review legislation with a view to removing inconsistencies related to the respect for the views of the child. Furthermore, it is encouraged to continue to promote and facilitate, within the family, schools, institutions as well as in judicial and administrative proceedings, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention, as a right they are informed of, not merely a possibility. It further encourages the State party to provide educational information to parents, teachers and headmasters, government administrative officials, the judiciary, children themselves and society-at-large with a view to creating an encouraging atmosphere in which children can freely express their views, and where in turn, these are given due weight.

...

639. The Committee welcomes information provided in the State party’s report that all children in France are equal before the law and have a right to freedom of religion, expression in their own language in private affairs and right to cultural activities. However, the Committee remains concerned that equality before the law may not be sufficient to ensure equal enjoyment of rights by certain minority groups, such as the Roma, among others, who may face *de facto* discrimination...

640. The Committee encourages the State party to continue measures to prevent and combat racism, xenophobia, discrimination and intolerance, by, *inter alia*, ensuring follow-up to the recommendations of the United Nations treaty bodies and the European Commission against Racism and Intolerance (ECRI), in particular as concerns children...

- Equatorial Guinea, CRC, CRC/C/143 (2004) 64 at paras. 343 and 344.

343. The Committee is concerned at the information that freedom of expression and opinion is limited in the State party as well as at the lack of libraries, and about the limited

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information it received concerning the practical implementation of articles 13-17 of the Convention.

344. The Committee recommends that the State party continue and strengthen the promotion of freedom of expression in schools and other places, *inter alia* by means of student publications and other means. It also recommends that the State party increase the number and quality of libraries and consider the establishment of mobile libraries freely accessible for children...

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 405 and 406.

405. The Committee expresses its concern at reports of the lack of respect for the privacy of children in the media and at the very little information provided by the State party on the *de facto* implementation of articles 13 to 17 of the Convention, including, *inter alia*, freedom of expression in schools.

406. The Committee recommends that the State party take the necessary measures to ensure respect for the child's right to privacy, particularly by the media, and to ensure that children are allowed to express their thoughts and opinions...

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 47 and 48.

47. The Committee welcomes the various programmes and legislative reforms, such as the "influence forums" and the right of the child to have his/her views heard in legal proceedings and in school matters, established by the State party to reinforce the rights of the child to express her/his views freely in all matters concerning her/him and have them duly taken into account. However, the Committee remains concerned that, despite the remarkable efforts, some children and young persons do not feel they have any real influence in matters concerning their life in society.

48. The Committee recommends that the State party:

(a) Ensure that administrative or other decisions relevant to children contain information on how the views of the children were solicited, on the degree to which the views of children were adopted and why;

(b) Consider providing children in very conflicting custody and visitation disputes with appropriate assistance.

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- Albania, CRC, CRC/C/146 (2005) 19 at paras. 105, 106, 111 and 112.

105. The Committee notes the efforts made to encourage the participation of children within the family and in schools. It also notes that, according to article 356 of the Civil Procedure Code, children may give testimony in court after they have attained the age of 16 years and that the child's opinion may be sought in custody decisions, adoptions, etc. after attaining the age of 10 years or at the age of 14 in relation to citizenship cases. However, the Committee is concerned that the views of the child are not taken into consideration at all before the age of 10 years.

106. The Committee recommends that the State party continue to promote and facilitate, within the family, schools and other institutions, as well as in judicial and administrative procedures, respect for the views of children and participation in all matters affecting them, in accordance with article 12 of the Convention. It further encourages the State party to provide educational information to parents, teachers and headmasters, government administrative officials, the judiciary, children themselves and society at large with a view to creating an encouraging atmosphere in which children, including those below the age of 10 years, can freely express their views, and where, in turn, these are given due weight.

...

111. The Committee welcomes the guarantee of freedom of expression under article 22 of the Constitution, but recognizes that there is a vacuum in the legislative acts on the practical ways to implement this right for children, as noted by the State party in its report. ...[T]he Committee is concerned that the prevailing attitudes in the family, in school, in other institutions and in society at large are not conducive to the enjoyment of this right.

112. The Committee encourages the State party to take all appropriate measures, including legal means, to fully implement article 13, and to introduce measures to promote and guarantee the right of the child to freedom of expression.

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 330, 331, 364 and 365.

330. The Committee is concerned about the limitations on the exercise of the right to freedom of expression by children. The Committee notes with concern the violent incidents during a peaceful student demonstration against a rise in bus fares, which took place in the village of Benque Viejo del Carmen on 24 April 2002, and the reported disproportionate use of force by the police authorities.

331. The Committee recommends that the State party encourage and facilitate the exercise by children of their right to freedom of expression, including their right to freedom of and of peaceful assembly, so that they can freely discuss, participate and express their views and opinions on all matters affecting them.

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...

364. With regard to children belonging to minorities and indigenous peoples, such as Maya and Garifuna children, the Committee is concerned about the widespread poverty among them and the limited enjoyment of their rights, particularly concerning their access to social and health services and education. The Committee notes with concern that it is generally difficult for girls belonging to minorities and indigenous peoples to be heard in society and that their right to participate and to be heard in proceedings affecting them is often limited.

365. The Committee recommends that the State party strengthen its efforts to improve the equal enjoyment of all rights of children belonging to minorities and indigenous peoples, in particular, by prioritizing effective measures to reduce poverty among them. The Committee also recommends that the State party take measures to promote respect for the views of children, especially girls, belonging to minorities and indigenous peoples and facilitate their participation in all matters affecting them.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 468, 469, 474 and 475.

468. The Committee regrets that little progress has been made concerning respect for the views of the child in judicial decisions, including concerning custody, divorce, administrative decisions, in the family, at school and society at large, owing to the traditional societal attitudes towards children, and that the State party has insufficiently informed the public about the right of children to participate in all matters affecting them. The Committee is concerned that the child's view is only represented through the father or paternal grandfather or other appointed guardian and not directly by the child.

469. In the light of article 12 of the Convention, the Committee recommends that the State party promote the right of children to express their views fully in all matters affecting them at school, within the family, in the courts and administrative bodies and in society in general. In this regard, the Committee recommends that the State party adopt and implement appropriate legislation, and undertake awareness-raising campaigns and educational programmes on the implementation of the principle of "respect for the views of the child". The Committee also recommends that the State party seek assistance from, among others, UNICEF in this regard.

...

474. The Committee remains concerned that, although freedom of expression and of assembly is formally recognized in the Constitution, the protection of this freedom is restricted by the requirement to interpret it in accordance with Islamic principles without clarifying at the outset the basis on which an action or expression would accord is considered to be in keeping with such principles.

475. The Committee reiterates its recommendation, expressed in its previous concluding

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observations, that the State party establish clear criteria for determining whether a given action or expression is in accordance with Islamic law and the Convention in order to avoid arbitrary interpretations.

- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 622 and 623.

622. The Committee welcomes the efforts of the State party to promote and implement the right of to express their views and actively participate at various levels of society. However, it remains concerned at the persistence of traditional attitudes in the State party which, among other things, limit children's right to participation and to express their views. It notes with concern the limited possibilities available to children to participate in and express their views in decision-making procedures affecting them, particularly in schools and communities.

623. In light of article 12 of the Convention, the Committee recommends that the State party:

- (a) Strengthen its efforts to promote within the family, schools, and other institutions respect for the views of children, especially girls, and facilitate their participation in all matters affecting them;
- (b) Strengthen national awareness-raising campaigns to change traditional attitudes that limit children's right to participation;
- (c) Continue to strengthen children's participation in councils, forums, children's parliaments and the like;
- (d) Regularly review the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 698 and 699.

698. While noting the existence of institutional structures whose objectives are to ensure the best interests of the child and respect for the views of the child such as Children's Clubs in schools and the Children's Parliament at the national level, the Committee is concerned that two general principles of the Convention, as laid down in articles 3 and 12 are not fully applied and duly integrated into the implementation of the policies and programmes of the State party. Given the prevalence of the traditional views on the place of children in the hierarchical social order, the Committee is concerned that children's opinions are not given sufficient consideration and that respect for the views of the child remains limited within the

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family, at schools, in the courts and before administrative authorities and in the society at large.

699. The Committee encourages the State party to pursue its efforts 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, the Committee recommends the State party to fully support the functioning and further development of the Children's Parliament, both at the national and State level, and to promote the full implementation of the right of the child to participate actively in the family, at school, within other institutions and bodies, and generally in society. The general principles should also be incorporated 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.

- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 57 and 58.

57. The Committee is encouraged by parenting programmes which reflect respect for the views of the child, but remains concerned that these practices are not fully incorporated into societal practices.

58. The Committee urges the State party to:

(a) Promote and facilitate respect for children's views and ensure their participation in all matters affecting them in all spheres of society, particularly in the family, schools and judicial system, in accordance with article 12 of the Convention;

(b) Continue to strengthen its advocacy and its educational efforts to make the public aware of the importance of the consideration of the views of the child, in particular parents, teachers and government and administrative officials.

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 132 and 133.

132. The Committee notes that some of the State party's domestic laws, rules and regulations explicitly respect the consent and views of the child, for example in judicial and administrative proceedings and that the State party has promoted the participation of children, *inter alia*, through the National Youth Parliament (Republic Act No. 8044) and student councils. Despite these positive steps, the Committee is of the view that children's right to participation and free expression of their views is still limited in the State party, partly due to traditional attitudes in society.

133. In the light of article 12 of the Convention, the Committee recommends that the State

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party:

(a) Strengthen its efforts to promote, within the family, schools and other institutions, respect for the views of the child and facilitate their interactive participation in all matters affecting them, *inter alia*, through children's and youth councils, forums, parliaments, etc., while paying special attention to vulnerable groups of children;

(b) Undertake awareness-raising campaigns on children's right to be heard and participate by encouraging children and their parents, caregivers and professionals working with and for children to seek and increase children's opportunities to influence issues concerning them.

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 232 and 233.

232. The Committee welcomes the efforts made by the State party to promote the respect of the views of the child, but it remains concerned that article 12 of the Convention is not adequately applied in families, schools and other institutions and not fully taken into account in practice in judicial and administrative decisions and the development and implementation of laws, policies and programmes.

233. The Committee recommends that further efforts be made to ensure the implementation of the respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child to participate in the family, at school, within other institutions and bodies, and in society at large, with special attention to vulnerable and minority groups. This right should also be incorporated in all laws, judicial and administrative decisions, policies and programmes relating to children.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 314 and 315.

314. The Committee expresses concern over the wide-ranging restrictions placed by the authorities on civil society organizations such as re-registration requirements, censorship, travel ban, and requirement of obtaining governmental authorization prior to receiving grants from donors.

315. The Committee underlines the importance of the role of civil society in the full implementation of the Convention and recommends that the State party remove all legal, practical and administrative obstacles to the free functioning of civil society organizations in the State party.

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- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 690 and 691.

690. The Committee notes with appreciation the State party's many and various efforts to implement and promote the child's rights to express his/her views and to participate in decision-making processes and other activities regarding his/her position. But it also notes the State party's concern that cultural problems are a factor which impedes the implementation of these rights in the family.

691. The Committee recommends that the State party undertake further and targeted measures to promote the child's rights to express his/her views freely within the family context and in institutions such as shelters and other institutions for children. The Committee further recommends that the State party ensure that the child's view is taken into account in any proceedings dealing with child issues. The Committee further recommends that the media take into account the views of the child. Finally, the Committee recommends that the State party take the necessary steps to promote awareness among children and adolescents of their participatory rights in the family, at school, within other institutions and in society in general through educational programmes on the implementation of these principles, and strengthen their opportunity to participate.