

Article 12 of the UN Convention on the Rights of the Child and the Understanding of the Committee on the Rights of the Child

Márta BENYUSZ

ABSTRACT

The current book chapter provides an in-depth analysis of Article 12 of the United Nations Convention on the Rights of the Child, which is the very basis of children's fundamental right to participate. It focuses on the legal analysis of Article 12 and the understanding and approach that is elaborated by the Committee on the Rights of the Child. Besides the analysis of Article 12, it provides an outline of the approach that shall be taken when implementing Article 12 in any life setting.

KEYWORDS

children's rights, the child's right to be heard, the child's right to express views, genuine participation, United Nations Convention on the Rights of the Child, best interest of the child, capability of forming his or her views, practical implementation, consultative process, participation process, self-advocacy

1. Introduction

The *United Nations Convention on the Rights of the Child* (hereinafter UNCRC or CRC) is the most widely ratified human rights treaty in the world.¹ It declared the rights of children after a ten-year-long drafting process initiated by the Polish State. It contains the human rights of children with special regard to their special status and vulnerability.

1 As of 16 March 2024, all State Parties to the UN have ratified the CRC, except for the United States of America.

Márta BENYUSZ (2025) 'Article 12 of the UN Convention on the Rights of the Child and the Understanding of the Committee on the Rights of the Child' in Benyusz, M., Zombory, K., (eds.) *Child-Friendly Justice. The Participation and the Rights of the Child in Court Proceedings From a Central European Comparative Perspective*. Miskolc–Budapest: Central European Academic Publishing, pp. 205–229. https://doi.org/10.71009/2025.mbkz.cfj_10.

The UNCRC was born at the end of the XXth century, called the century of the child,² and represents the shift from the so-called caring, protecting model to a rights-based approach towards children. It means that, unlike the preceding documents, i.e. the Geneva Declaration³ and the Declaration on the Rights of the Child, the UNCRC does not consider children as objects of protection but as subjects of their rights. In other words, children's evolving capacity is taken into consideration when granting them important participatory rights in connection with issues in which they are involved or which affect them to any extent.

The shift from the caring model to a rights-based approach⁴ is mostly tangible in Article 12 of the UNCRC, a core provision of the UNCRC.⁵ Article 12 is the very basis of child-friendly justice and, as such, the basis of the participation and the rights of the child in civil, criminal, and administrative court proceedings. Article 12 addresses the legal and social status of children, who, on the one hand, lack the full autonomy of adults but, on the other, are subjects of rights.⁶ It refers to the participation rights of an individual child as well as to participation rights of children altogether. Article 12 introduced a fundamentally new right into international human rights law.⁷ In recognition of children's lack of legal autonomy in decision-making, it provides that every child capable of forming a view must be assured the right to express that view and have it given due weight in accordance with the child's age and maturity.⁸

This chapter analyses Article 12 of the UNCRC in depth by examining attributes to genuine participation of children, reviewing fields where Article 12 has great importance in the realisation of the rights of the child, and presenting participation models for children which allow them to raise their voice in a manner that aligns with the spirit of Article 12.

2. Legal Analysis of Article 12 of the UNCRC

Article 12 of the UNCRC provides

'1. State Parties shall assure to the child who is capable of forming his/her own views the right to express those views freely in all matters affecting the child,

2 Van Bueren, 1995.

3 The Geneva Declaration was the first international instrument adopted on an international level (under the umbrella of the League of Nations) declaring the rights of children. The document was drafted and initiated by Eglantyn Jebb, an English woman, being the founder of the International Save the Children Fund.

4 Similar shift can be examined in the legal protection of people with disabilities, where this shift is represented by the Convention on the Rights of Persons with Disabilities.

5 Daly and Rap, 2019.

6 UN Committee on the Rights of the Child, 2009, para 1.

7 Lansdown, 2022, p. 44; Daly and Rap, 2019.

8 Daly, 2011.

the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall, in particular, be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.’

Paragraph 1 is about the “right to free expression of views” in all matters affecting the child, linked to the capability of forming views. However, apart from the mere possibility of expressing views, it is strongly about the genuine consideration of these views and giving them due weight in accordance with age and maturity.

Paragraph 2 is about the “right to be heard” in formalised, namely judicial and administrative proceedings, where the child is affected.

It is very important to note before going into an in-depth analysis of the right to free expression of views and the right to be heard that both of them are obligations on the side of the State, indirectly on the side of adults, i.e. parents, and a right on the side of the child, being individual or belonging to a group of children. This right can never turn into an obligation on the side of the child and must always remain a free choice of the child, where he/she receives all the necessary information in order to be able to make this free choice as safely as possible in the given situation.

2.1. The Right to Free Expression of Views

The provision on the free expression of views contains *five attributes* to which, by taking a closer look, one may gain a better understanding of Article 12.⁹

These attributes are (I) *shall assure*, (II) *capable of forming his/her own views*, (III) *the right to express those views freely*, (IV) *in all matters affecting the child*, and (V) *being given due weight in accordance with the age and maturity of the child*.

The term “shall assure” refers to the obligation of the State to undertake all legislative, administrative, and other measures in order to implement Article 12 in a manner that solicits the views of the child in all matters affecting her/him and to give due weight to those views.¹⁰

The term “capability of forming his/her own views” shall be understood in a wide manner with the presumption that a child has the capacity to form her/his views¹¹ and recognise that she/he has the right to express them.¹² In connection to this term, the CRC Committee consequently underlines that there is no age limit to the right of the child to express views and, therefore, usually, the concluding observation issued to state reports as well as other documents (i.e. General Comments, decisions etc.)

9 The analysis is made on the basis of General Comment No. 12 of the CRC Committee and on the basis of the text of the UNCRC.

10 UN Committee on the Rights of the Child, 2009, para. 19.

11 It means that the implementation of Article 12 cannot begin with an assumption that a child, based on age or any other characteristic, is not capable of forming his/her views.

12 Ibid., para. 20.

of the Committee discourages states from introducing age limits either in law or in practice.¹³ Such laws and practices have the capability to restrict the child's right to be heard.

Nevertheless, the “approach of not introducing age limit” calls for the recognition of different communication methods, as obviously, the wide-spread and usually firstly recognised verbal communication forms may not fully reflect the views of a younger child or a child with some kind of disability. This is also addressed by the Committee,¹⁴ by underlining that full implementation of Article 12 requires the recognition of and respect for non-verbal forms of communication, including play, body language, facial expressions, drawing, and painting, through which also very young children or children with a disability that does not hinder them from expressing views, can demonstrate understanding, choices, and preferences. The Committee also highlights that efforts must be made to ensure the right to express views to children of minorities, children belonging to Indigenous or migrant groups, and other children who do not speak the majority language.¹⁵

The approach of not introducing age limits also needs to address that the child does not necessarily have a comprehensive knowledge of all aspects of the matter by which he/she is affected, but that he/she has sufficient understanding of the issue and, thus, is capable of forming a view. Furthermore, a situation where there is an inadequate implementation of Article 12 can have a negative consequence, such as in case of children who became victims of criminal offences, sexual abuse, violence, or other form of mistreatment.¹⁶

The term “expressing those views freely” refers to the exercise of this right on a voluntary basis, without any kind of manipulation, undue influence, or pressure.¹⁷ In other words, it means that the child needs to be given a free choice to benefit from this right and cannot be forced to express any other view but his/her own. In order to be able to express views freely, one should feel safe in the given environment. Therefore, the conditions in which the right is exercised must take into account the individual and social situation of the child.¹⁸ The free expression of views also requires a sufficient amount and quality of information, which should be given both to children and to parents or guardians of children who have the possibility to facilitate directly the exercise of Article 12 para 1 by children.

The term “in all matters affecting the child”, similarly to the other attributes, shall be understood broadly. The Open-ended Working Group established by the Commission on Human Rights, which coordinated the drafting process of the UNCRC, rejected a proposal to define these matters by a list limiting the consideration of a child's or children's views. Instead, it was decided that the right of the child to be heard should

13 Ibid.

14 Ibid., para. 21.

15 Ibid.

16 Ibid.

17 Ibid., para. 22.

18 Ibid., para. 23.

refer to “all matters affecting the child”.¹⁹ This underlines the intention of the drafters to understand Article 12 in as broad a manner as possible, with a limitation, of course, provided by the best interest of the child principle.

The term “being given due weight in accordance with the age and maturity of the child” means that it is not enough to merely listen to the child, but his/her opinion needs to be taken seriously into account. It refers to the capacity of the child, which has to be assessed in order to give due weight to her/his views or to communicate to the child in a way in which those views have influenced the outcome of the process.²⁰ Similarly to “capability of forming his/her views”, the Committee underlines here as well, what is also a clear consequence stemming from the text and, as such, a mere literal analysis of the UNCRC itself, that the age cannot in itself determine the weight that is given to the expressed views, but maturity²¹ needs to be assessed equally, on a case-by-case basis. Research has shown that information, experience, environment, social and cultural expectations, and levels of support contribute to the child’s capacity to form a view.²²

2.2. *The Right to Be Heard*

Article 12 para 2, i.e. the right to be heard, consists of three attributes (I) *the right to be heard in any judicial and administrative proceedings affecting the child*, (II) *either directly or through a representative or an appropriate body*, (III) *in a manner consistent with the procedural rules of national law*.

In connection to the term “the right to be heard in any judicial and administrative proceedings affecting the child”, it needs to be emphasised that the drafters placed the word “any” in order to avoid any limitation to these judicial and administrative proceedings, meaning that the scope does not only include “official” dispute resolutions but it involves alternative dispute resolution mechanisms such as arbitration or mediation. The provision applies, for instance, but not limited to separation of parents, custody, care and adoption, children in conflict with the law, child victims of physical or psychological violence, sexual abuse or other crimes, health care, social security, unaccompanied children, asylum-seeking and refugee children, and victims of armed conflict and other emergencies.²³ Typical administrative proceedings include, for example, decisions about children’s education, health, environment, living conditions, or protection.²⁴ The right to be heard needs to be applied in

19 Ibid., para. 27.

20 Ibid., para. 28.

21 “Maturity refers to the ability to understand and assess the implications of a particular matter, and must, therefore, be considered when determining the individual capacity of a child to express his or her views on issues in a reasonable and independent manner. The impact of the matter on the child must also be taken into consideration. The greater the impact of the outcome on the life of the child, the more relevant the appropriate assessment of the maturity of that child.” (UN Committee on the Rights of the Child, 2009, para 30.)

22 Ibid., para. 29.

23 Ibid., para. 32.

24 Ibid.

proceedings which are initiated by the child as well as to those initiated by someone else.²⁵ At first thought, judicial and administrative proceedings are not places which are considered child-friendly. In order for an effective and genuine implementation of Article 12 para 2, the right to be heard, can only be exercised in an environment that is safe, sensitive, and appropriate to the child's age. Proceedings must be accessible and child-appropriate, with special attention to the provision and delivery of child-friendly information, adequate support for self-advocacy, appropriately trained staff, design of courtrooms, clothing of judges and lawyers, sight screens, and separate waiting rooms.²⁶

The voluntary basis applies not only to the right to express his/her views but it is equally valid in terms of the right to be heard. Therefore, the second term in Article 12 paragraph 2, i.e. "either directly, or through a representative or an appropriate body" can be interpreted after the decision of the child on exercising the right to be heard. If a child decides to exercise this right, he/she shall be given the opportunity to decide whether he/she would prefer to exercise the right directly or through a representative. The CRC Committee recommends that whenever there is a possibility, the child must be given the opportunity to be directly heard in any of the proceedings.²⁷ Whenever the child is not heard directly, the question of who shall be the representative arises. In situations where it is clear that the parents (guardians) have no conflict of interest with the child, they can be adequate representatives. Nevertheless, there can be situations where due to a conflict of interest, a parent cannot be a representative. In such cases, lawyers (child attorneys) or social workers can step into the feet of representatives. All representatives, be it a parent, a guardian, a lawyer, or a social worker, must always bear in mind that he/she must represent the interests of the child and not the interests of other persons or institutions.²⁸

The representation shall be in line with "procedural rules of national law". Nevertheless, these procedural rules shall not restrict the exercise of Article 12 para 2; on the contrary, they need to facilitate the broadest application possible.²⁹

3. Article 12 as a General Principle to the UNCRC

The UN Committee on the Rights of the Child (hereinafter the Committee or CRC Committee) identified Article 12 as one of the *general principles* of the UNCRC. It means that Article 12 is not only the right of every human being under the age of 18 but also serves as a framework provision for the interpretation and implementation of all other rights enshrined in the UNCRC.

25 Ibid., para. 33.

26 Ibid., para. 34.

27 Ibid., para. 35.

28 Ibid., para. 37.

29 Ibid., para. 38.

The CRC Committee identified altogether four general principles.³⁰ Apart from Article 12, i.e. the consideration of the viewpoint of the child these general principles are, non-discrimination, provided for in Article 2,³¹ the best interest of the child, encompassed in Article 3³² of the UNCRC, and the right to life, survival, and development, enshrined in Article 6.³³ These principles can be supplemented by the right to be brought up in a loving and caring family environment. It can be found in the Preamble and several articles of the CRC and is one of the basic conditions of a nourishing childhood.

According to the CRC Committee, Article 12, as a general principle, highlights the role of the child as an active participant in the promotion, protection, and monitoring of his/her rights, and applies equally to all measures adopted by States to implement the UNCRC.³⁴ The Committee believes that Article 12 is also about involving children in government decision-making processes and, for instance, considering reducing the voting age below 18. Besides, the direct involvement of the CRC Committee also underlines that, apart from voting rights, consultation rights can be given to children in order to channel their views into decision-making. If consultation is to be meaningful, documents as well as processes need to be made known and accessible to both children and adults.³⁵

The Committee also underlines that merely listening to children does not reflect the real intentions of Article 12. Listening to children should not be seen as an end in itself, but rather as a means by which States make their interactions with children and their actions on behalf of children ever more sensitive to the implementation of

30 UN Committee on the Rights of the Child, 2003, para. 12.

31 UNCRC Article 2. "1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his/her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members."

32 UNCRC Article 3. "1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his/her well-being, taking into account the rights and duties of his/her parents, legal guardians, or other individuals legally responsible for him/her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services, and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, the number and suitability of their staff, as well as competent supervision."

33 UNCRC Article 6. "1. States Parties recognise that every child has the inherent right to life.

2. States Parties shall ensure, to the maximum extent possible, the survival and development of the child."

34 Ibid.

35 Ibid.

children's rights.³⁶ The real challenge is, therefore, giving due weight to their views. The Committee considers that Article 12 requires consistent and ongoing arrangements and that involvement of and consultation with children must also avoid being tokenistic and aim to ascertain representative views. The emphasis on "matters that affect them" in Article 12 para 1 implies the ascertainment of the views of particular groups of children on particular issues – for example, children who have experience of the juvenile justice system on proposals for law reform in that area or adopted children and children in adoptive families on adoption law and policy.³⁷ It is important that governments develop a direct relationship with children, not simply one mediated through non-governmental organisations (hereinafter NGOs) or national human rights institutions (hereinafter NHRIs). It serves the interest of children to have direct contact not only with governments but with all the authorities, judicial bodies, etc., but only in cases where the processes are developed age-appropriately, child-friendly, and with sufficient expertise on the side of the adults to communicate with children in such a way that considers the intention of Article 12 genuinely, i.e. children remain the subject of their rights and not become objects of the participation processes.

Article 12 has its relevance, influence, and correlation in connection with other general principles as well as with other rights that are enshrined in the UNCRC.

The best interest of the child principle cannot be realised without giving due weight to Article 12.³⁸ It means that assessment of a child's best interests must include respect for the child's right to express his/her views freely, and due weight needs to be given to the views that are expressed in all matters affecting the child.³⁹ Article 12 and Article 3 have complementary roles, there is no tension between the two provisions. Article 3 aims to realise the child's best interests, and Article 12 provides the methodology for hearing the views of the child or children and their inclusion in all matters affecting the child, including the assessment of his/her best interests. Article 3, para 1, cannot be correctly applied if the requirements of Article 12 are not met. Similarly, Article 3, para 1, reinforces the functionality of Article 12 by facilitating the essential role of children in all decisions affecting their lives.⁴⁰ The evolving capacities of the child, enshrined in Article 5,⁴¹ must be taken into consideration when the child's best interests and right to be heard are at stake. In other words, the child's views are definitely identified as one of the elements that need to be taken into account when assessing the child's best interest.

36 Ibid.

37 Ibid.

38 UN Committee on the Rights of the Child, 2013.

39 Ibid, point B., para. 3.

40 Ibid.

41 UNCRC Article 5 "States Parties shall respect the responsibilities, rights, and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians, or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention."

Any decision that neglects to take into account the views of the child cannot be interpreted as a decision based on the best interest of the child. The fact that the child is very young or in a vulnerable situation does not deprive him/her of the right to express his/her views, nor reduces the weight given to the child's views in determining his/her best interests.⁴² The adoption of specific measures to guarantee the exercise of equal rights for children in such situations must be subject to an individual assessment which assures a role to the children themselves in the decision-making process, and the provision of reasonable accommodation and support, where necessary, to ensure their full participation in the assessment of their best interests.⁴³ Article 3 is devoted to individual cases but also explicitly requires that the best interest of children as a group are considered in actions concerning the group of children.⁴⁴ The best interests of children as a defined group have to be established in the same way as when weighing individual interests, i.e. the views of those children need to be taken into account.⁴⁵

The principle of non-discrimination is also strongly connected to Article 12. The right to express her/his views, as well as the right to be heard, needs to be guaranteed to each and every child, regardless of age, religion, colour, sex, race, etc. The principle of non-discrimination also supports the CRC Committee's opinion on the approach of no age limit.

The principle of the right to life, survival, and development is also in correlation with the right to express views and the right to be heard. Every child has an inherent right to life, and a right to survival and development, which means that each and every child is entitled to survival and development to the maximum extent possible. The experience of exercising the right to express views and the right to be heard contributes to a development that allows children to be members of society to the fullest extent possible. The CRC Committee underlines that promoting opportunities for the child's right to be heard (as part of child participation) is a tool to stimulate the full

42 UN Committee on the Rights of the Child, 2013, point A para. 1 point a).

43 Ibid.

44 UN Committee on the Rights of the Child, 2009, para. 72.

45 Ibid., para. 73.

development of the personality and evolving capacities of the child.⁴⁶ This is consistent with Article 6 and Article 29,⁴⁷ on the aims of education.

As mentioned earlier, the principle of the *right to live in a loving and caring family environment* is there in the Preamble of the UNCRC and enshrined in several other Articles. When examining the interconnection between this principle and Article 12, it is worth looking at the wording of the Preamble,⁴⁸ i.e. ‘Recognising that the child, for the full and harmonious development of his/her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding (...)’. Additionally, Article 5 states,

‘States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the UNCRC.’

The sentence of the Preamble and the provision of Article 5 cannot be understood to the full extent without putting them in light of Article 12. A full and harmonious development can hardly be guaranteed without providing a space for the views of the child in line with his/her evolving capacities. Similarly, the child is entitled to parental guidance that takes into account his/her evolving capacities to form an opinion and, therefore, respects and gradually guarantees participatory rights. It means that, as children acquire capacities, they become entitled to an increasing level of responsibility for the regulation and influence of the matters that affect them.⁴⁹ The respect for Article 12 by the people providing the parental guidance (parents,

46 Ibid., para. 76.

47 UNCRC Article 29. “1. States Parties agree that the education of the child shall be directed to:
a) The development of the child’s personality, talents, and mental and physical abilities to their fullest potential;

b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

c) The development of respect for the child’s parents, his/her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he/she may originate, and for civilisations different from his/her own;

d) The preparation of the child for a responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national, and religious groups, and persons of Indigenous origin;

e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.”

48 Wopera, 2023.

49 UN Committee on the Rights of the Child, 2009, para. 85.

legal guardians) contributes to a family environment that provides the atmosphere of happiness, love, and understanding. It will obviously not necessarily mean that the child's view or opinion prevails the opinion or guidance of the parent, but it will be a space for the child to learn, in a safe environment, how to express opinions and get feedback (positive or negative).

4. Interconnection with Article 13 and Article 17

Article 13, the freedom of expression guaranteed for children in the UNCRC, provides,

- '1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
- 2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a) For respect of the rights or reputations of others; or
 - b) For the protection of national security or of public order (ordre public), or of public health or morals.'

Article 17 is on the right to access to information. Its provision of the UNCRC declares,

- 'States Parties recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his/her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:
 - a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
 - b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
 - c) Encourage the production and dissemination of children's books;
 - d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is Indigenous;
 - e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his/her well-being, bearing in mind the provisions of articles 13 and 18.'

Except Article 12, both Article 13 and Article 17 are those provisions where children, as the subject of rights, become outstandingly visible.

Article 12 and Article 13 are often confused with each other. Even though they are very much correlated, they cover different rights.⁵⁰ Article 13, the freedom of expression, stipulates the right to hold and express opinions and seek and receive information through media. It requires the State to take a passive attitude, i.e. not to interfere in the expression of opinion of children but to protect them from harm. Article 12, however, imposes an obligation on the State Parties to introduce the legal framework and mechanisms that facilitate the involvement of the child in all actions affecting his/her life and decision-making and to fulfil the obligation to give due weight to those views once they are expressed.⁵¹

The child's right to information, as declared in Article 17, is a prerequisite for the effective realisation of the right to express views.⁵² When implementing Article 17, due consideration and balance shall be given to the implementation of this right to the furthest while protecting children from the information and influences that have the capacity to harm them and wrongfully affect their childhood development.

5. Interconnection with Article 5

Article 5 of the UNCRC provides,

'States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention.'

Stemming from this provision, the child has the right to direction and guidance, which shall compensate for the lack of knowledge, experience, and understanding.⁵³ At the same time, this guidance is restricted by the evolving capacity of the child, as it is clearly stated in Article 12, meaning that a parent shall exercise the right to give direction and guidance to the child by constantly taking into consideration Article 12, which, in practice, means constant attention to the evolving capacities of children and giving their opinion due weight within their evolving capacities.

⁵⁰ Ibid., para. 81.

⁵¹ Ibid.

⁵² Ibid., para. 81.

⁵³ Ibid., para. 84.

6. Implementation of Article 12

6.1. Outline of General Requirements

Implementation of an international convention is always an obligation on the side of the State to review the existing legislation and make the necessary amendments in order to ensure that national law corresponds to the provisions of the obligations taken upon by ratification of the given convention.⁵⁴ This review and amending process shall ideally be done in the years after the ratification, nevertheless by evolution of law. Implementation is an ongoing process by nature and also shall follow the national structures as well as correspond to scientifically proven research of other disciplines – which is particularly true in the case of the rights of the child.

Accordingly, the implementation of the UNCRC and, in a narrower sense, the implementation of Article 12, starts after ratification and is constantly ongoing by examining the effectiveness from the point of view of children and their rights. In order to fulfil the obligation of review and amendment, i.e. the obligation of implementation, State Parties shall follow some general strategies:⁵⁵ review and withdraw restrictive declarations and reservations to Article 12; consider the establishment of national human rights institutions and adhere them to the national legal system, with an eye on the genuine involvement of children; provide a real understanding of Article 12, including training to professionals; ensure that children have the adequate support and encouragement to express their views and that these views are given due weight; attempt to form attitudes of wider society by public campaigns and any other means that have the ability to combat negative attitudes and form the general opinion on the concept of the child.

According to the implementation guideline provided by the CRC Committee, there are *five steps* that need to be taken in order for the implementation to be effective.⁵⁶ These are (i) preparation, (ii) hearing, (iii) assessment of the capacity of the child, (iv) information about due weight given to the views of the child, and (v) complaint, remedies and redress.

The “preparation”⁵⁷ means that those who are responsible for hearing the child (giving her/him an opportunity to express her/his views) make sure that the child is adequately informed about her/his rights. The information shall be given in a manner that is understandable for the child; he/she understands that he/she may benefit from the right but he/she can also reject the opportunity. It shall also be clear that the right can be exercised directly or through a representative, and the child shall also be informed about the consequences of exercising the given right. Preparation basically means that the adult who is responsible for hearing the child (and will be the final

54 UN Committee on the Rights of the Child, 2003.

55 UN Committee on the Rights of the Child, 2009, para. 49.

56 Ibid.

57 Ibid., para. 41.

decision maker) should do everything to make the child feel comfortable and safe and know all the information in a child-sensitive, child-friendly manner.

The “hearing”, if done in line with Article 12, is an atmosphere for the child that encourages and enables the child to exercise the right to express views. Nevertheless, it also accepts if the child decides not to exercise that right. The hearing shall always take place in child-friendly spaces. It is rather advisable to avoid court hearings and prefer the format of a talk.⁵⁸

In order for the child’s views to be given due weight, a case-by-case analysis needs to be done to assess the capability of forming his/her own views, i.e. *capacity of the child*.⁵⁹ If the assessment of capability shows that the child is capable of forming a view, then due weight to this view shall be given, without discretion.

Article 12 does not mean that the decision will be made according to the child’s decision or opinion. It is very important to underline that Article 12 is about genuine participation and does not put the responsibility of the decision on the child; on the contrary, it has to stay at the adults. However, genuine participation presumes feedback and, as such, *information about the weight that is given to the views of the child*, even if the final decision, taking into account the best interest of the child, does not reflect the opinion of the child. The feedback⁶⁰ is a guarantee that the views of the child are not only heard as a formality but are taken seriously.⁶¹

The final step for implementation, according to the CRC Committee, is the possibility of *remedy* in case Article 12 has been violated. Children need to have access to complaint procedures and remedies when their right to be heard and for their views to be given due weight is disregarded and violated.⁶² Complaint mechanism and adequate remedies needs to be developed on a national level.

To sum up, the requirements that all processes shall ideally follow, the processes designed for implementing the child’s rights to be heard and the child’s rights to express his/her opinion (Article 12) are: transparency and informative manner; voluntary manner; respectful setting for the child’s dignity and his/her rights; relevancy; child-friendliness; inclusivity; supported by training for both children and adults; safe and sensitive to any risk that might affect the child; accountability.

6.2. Implementation in Different Judicial and Administrative Procedures

The right to be heard and the right of the child to express views freely needs to be applied in all life settings of the child. Nevertheless, it becomes even more sensitive and needs more attention when a child becomes attached to any kind of judicial or

⁵⁸ Ibid., para. 43.

⁵⁹ Ibid., para. 44.

⁶⁰ “The information may prompt the child to insist, agree, or make another proposal or, in the case of a judicial or administrative procedure, file an appeal or complaint.” (UN Committee on the Rights of the Child, 2009, para. 45.)

⁶¹ UN Committee on the Rights of the Child, 2009, para. 45.

⁶² UN Committee on the Rights of the Child, 2003, para. 24.

administrative procedure. Hereinafter, those aspects will be discussed which need particular attention when implementing Article 12 in these procedures.

6.2.1. *Judicial Proceedings*

6.2.1.1. *Civil Proceedings*

There are several civil procedures by which a child can be affected. Here, three of them, (I) divorce and separation, (II) separation from parents and placing in alternative care, and (III) adoption, will be discussed.

a. *Divorce and separation*⁶³

The separation and divorce of parents always affect children, and it is always a crisis for all the parties involved. Most jurisdictions involved the obligation of the court of paramount consideration of the best interest of the child when deciding in such cases. The best interest of the child, as already analysed above, cannot be considered without giving the possibility to the child to express views as well as to give those views due weight. For this reason and also for genuine implementation of Article 12, legislation shall include an express opportunity for the child to be heard in the divorce proceedings.⁶⁴

b. *Separation from parents and alternative care*⁶⁵

When a child is at risk, and there is a decision regarding removing him/her from home and placing in any format of alternative care, the views of the child shall be listened to and given due weight. Otherwise, the best interest of the child, as indicated in Article 20⁶⁶ of the UNCRC on alternative care, cannot be met. The implementation in these cases needs to be particularly sensitive and systematic, giving the opportunity for a case-by-case analysis and considering very thoroughly that children in these kinds of situations are most probably outstandingly vulnerable.

63 On the basis of UN Committee on the Rights of the Child, 2009, paras. 51–52.

64 When we look at national implementation, in many cases, there is an age limit for this right to be exercised. According to the opinion of the CRC Committee, age limits shall be abolished and the analysis shall be done on a case-by-case basis.

65 Ibid., paras. 53–54.

66 “1. A child temporarily or permanently deprived of his/her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall, in accordance with their national laws, ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption, or, if necessary, placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child’s upbringing and to the child’s ethnic, religious, cultural, and linguistic background.”

c. *Adoption*⁶⁷

Similarly to alternative care, the UNCRC states clearly that in the case of adoption, the best interest of the child shall be the paramount consideration.⁶⁸ Hence, no decision can be made without listening to the child. In order for Article 12 to be effectively implemented in these situations, it is important to make sure that the child, who is the right holder, knows the consequences of adoption and has the possibility to express views in this framework.

6.2.1.2. *Criminal (Penal) Proceedings*

Children who are affected in criminal proceedings, either as victims or witnesses of an offence or as the ones who commit the offence, need particular attention by the States when implementing Article 12.

a. *The child victim and child witness*

Apart from Article 12 of the UNCRC, the basis of participation rights of child victims and child witnesses are also provided in the United Nations Economic and Social Council resolution 2005/20, “Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime”.⁶⁹ On the basis of this document and Article 12, every effort has to be made to ensure that a child victim or/and witness is consulted on the relevant matters with regard to involvement in the case under scrutiny and is enabled to express freely views and concerns regarding her/his involvement in the judicial process.⁷⁰

In the case of child victims and witnesses, the right to information also appears quite strongly as in these kinds of procedures information that is child-friendly but still contains the merits is essential in order to effectively exercise the right to be heard and the right to express views.⁷¹

67 Ibid., paras. 55–56.

68 Article 21 UNCRC: “States Parties that recognise and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

a) Ensure that the adoption of a child is authorised only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child’s status concerning parents, relatives, and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

b) Recognise that inter-country adoption may be considered as an alternative means of child’s care if the child cannot be placed in a foster or an adoptive family or cannot, in any suitable manner, be cared for in the child’s country of origin;

c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.”

69 UN Committee on the Rights of the Child, 2009, para. 62.

70 Ibid., para. 63.

71 Ibid., para. 64.

b. *The child offender*

The child offender or, in other terminology, a child in conflict with the law shall be granted the rights enshrined in Article 12 in every stage of the procedure. It is also important to note that during the realisation of this right, the child in conflict with the law shall firstly be seen as a child, with his/her best interest the paramount consideration, and only secondly as someone who committed an unlawful act. The child shall always have the opportunity to give his consent in cases of diversion, including mediation, and to obtain legal and other advice and assistance in determining the appropriateness and desirability of the diversion that was proposed to him/her.⁷² The child also has the right to receive prompt and direct information about the charges in a language that he/she understands and also about the juvenile justice process and the possible measures that the court might take.⁷³ In this kind of procedures, it is also important that the child receives other kinds of support, such as psychological support, support of social workers, and people that genuinely understand the language of children.

6.2.2. *Administrative Proceedings*

Children are more likely to be involved in administrative proceedings than in court proceedings.⁷⁴ These procedures shall be developed in a child-friendly manner, where representation and direct hearing balance each other, making sure that every child can access the procedure if he/she is deciding to have it and benefit from this access. These procedures shall also grant the possibility to benefit from the aid of staff that has special knowledge about children.

6.2.2.1. *Implementation in Different Life Settings*

Apart from procedures in front of the court and in front of authorities, the right enshrined in Article 12 shall apply in all life settings of the child. Article 12 must be implemented not exclusively but outstandingly⁷⁵ in the *family*, in *alternative care*, in *health care*, in *education and school*, in *play, recreation, sports and cultural activities*, in the *workplace*, in *situations of violence*, in the *development of violence prevention strategies*, in *immigration and asylum proceedings*, in *emergency situations*, in *national and international settings*.

This chapter will elaborate on the implementation in family settings, alternative care, health care, education and school, situations of violence, and the development of violence prevention strategies.⁷⁶

72 Ibid., para. 59.

73 UN Committee on the Rights of the Child, 2009, para. 64.

74 Ibid., para. 66.

75 Ibid., point C.

76 More detailed information on all other settings may be found in General Comment No. 12 of the CRC Committee.

a. *Article 12 in the family*

Family is the prime environment for the socialisation of a child. It is the family that provides the first impressions about society and teaches the child how to integrate within it. If one's family is able to provide an environment safe for expressing views while taking into due consideration the evolving capacity of the child, it may prepare the child to be more confident and aware of his/her rights outside of the family environment as well.

Implementing and applying Article 12 in a family setting – besides contributing to closer family relations – may result in an easier integration into society for children whose views were listened to and taken seriously throughout their childhood. Since parents – as adult members of the family – have the right to guide their children, they also bear the prime responsibility of implementing Article 12 in a family setting. Nevertheless, as it stems from both Article 12 and from the spirit of the UNCRC, parents shall not be left without help in this process. Thus, State Parties should encourage them by means of legislation and policies to listen to children and give due weight to their views in matters that concern them.⁷⁷ The CRC Committee advises the promotion of parenting styles that respect the child's right to be heard and address the necessity of mutual respect between parents and children, the importance of the views of every family member, the involvement of children in decision-making, the understanding of children's evolving capacities, and the ways of dealing with conflicts.⁷⁸

b. *Article 12 in alternative care*

Children in alternative care are deprived of their family environment, i.e. the implementation of Article 12 in a family setting cannot happen. Children in alternative care are the responsibility of the State. The State is obliged to provide a substitute to the family environment where trauma from being deprived of a family environment can be mitigated to a maximum extent. The implementation of Article 12 in such settings where children's vulnerability rises even more becomes outstandingly important. Therefore, in all forms of alternative care (being an institution or foster care), it shall be ensured that⁷⁹ the child is provided a right to information about the placement, care and treatment plan, and meaningful opportunities to express his/her views; the child is provided the right to be heard and his/her views are given due weight; the implementation of Article 12 in alternative care is monitored by competent bodies as well as children are involved in the monitoring process.

c. *Article 12 in health care*

In most national legislation, the decision on children's health care, especially considering young children, is placed in the hands of parents. Even though

77 UN Committee on the Rights of the Child, 2009, para. 92.

78 Ibid., para. 94.

79 Ibid., para. 97.

the CRC Committee welcomes all State Party legislation, where there is a fixed age at which the right to consent is transferred to the child,⁸⁰ this life setting shall be approached very carefully when implementing Article 12. The implementation shall never result in placing too heavy decisions on the shoulders of children and, as such, transferring the responsibility from adults to them. Nevertheless, with this carefulness in mind, Article 12 is to be implemented in health care⁸¹ as well, also with an eye on younger children.⁸² It means that they have a right to be informed by physicians and healthcare facilities, with sufficient safeguards, that they have the right to consult doctors confidentially and access health care services without the express consent of the parent. This possibility may have importance in case of, for instance, domestic violence situations, where access to services in which the child can have confidence may provide efficient support.

d. *Article 12 in education and school*

Apart from family environment, school and education have an outstanding impact on children. Thus, the implementation of Article 12 is crucial in this life setting in terms of the development of the child in general as well as in the realisation of the right to education in particular.

The CRC Committee recommends that State Parties take action to build opportunities for children to express their views and for those views to be given due weight in planning curricula and school programmes, participating in human rights education, etc.⁸³

Genuine child participation creates a social climate in the classroom, which stimulates cooperation and mutual support that is needed for child-centred interactive learning.⁸⁴ Giving children's views weight is also important in the elimination of discrimination, prevention of bullying, and disciplinary measures.⁸⁵

e. *Article 12 in situations of violence*

As discussed in this chapter, the implementation of Article 12 contributes to the realisation of all children's rights and, in many situations, the genuine implementation of mechanisms that allow child participation may prevent the breach of the rights of the child. This is particularly tangible in case of violence. The UNCRC takes the position of zero tolerance to violence. Protection from all forms of violence is easier to be realised by consultation with

80 Ibid., para. 102.

81 This applies to individual healthcare decisions, as well as to children's involvement in the development of health policy and services.

82 The CRC Committee strongly recommends that State Parties ensure that, wherever a younger child can demonstrate a capacity to express an informed view on his/her treatment, this view is given due weight.

83 UN Committee on the Rights of the Child, 2009, paras. 107–108.

84 Ibid., para. 109.

85 Ibid.

children. Thus, the CRC Committee encourages State Parties to consult with children⁸⁶ in the development and implementation of legislative, policy, educational, and other measures to address all forms of violence.⁸⁷

The lack of education of children on the content and exercise of Article 12 and on the zero tolerance of violence may result in unchallenged violence against children as they will accept certain forms of abusive behaviour as accepted practice and will lack child-friendly reporting mechanisms, i.e. they will have no one to turn to in confidence in case of experienced maltreatment.⁸⁸

f. *Article 12 in the development of prevention strategies*

Child participation can be a powerful force in the prevention of child rights violations. Therefore, children should be consulted in the formulation of legislation and policy related to these and other problem areas, and involved in the drafting, development, and implementation of related plans and programmes.⁸⁹

7. Guiding Role of the CRC Committee

The CRC Committee, as the mechanism responsible for overseeing the implementation of the CRC, has an important role to play.⁹⁰ While various tools are utilised to shape rights and obligations and promote compliance with treaty requirements, the fundamental and most pervasive approach adopted by treaty bodies are concluding observations and, from the perspective of effecting change, recommendations.⁹¹ The CRC Committee also issues general comments which set the terms of implementation, as discussed previously. Besides the general tools, the CRC Committee also plays an important role in individual complaint mechanisms under the Optional Protocol on a communications procedure (hereinafter OPIC). The CRC Committee serves as a last-instance remedy forum in cases where national remedies are exhausted and the state where the breach occurred ratified OPIC.⁹²

86 Particular attention needs to be paid to ensure that marginalised and disadvantaged children, such as exploited children, street children, or refugee children, are not excluded from consultative processes designed to elicit views on relevant legislation and policy processes.

87 Ibid., para. 118.

88 Ibid., para. 120.

89 Ibid., para. 122.

90 Molloy, 2024, pp. 669–693.

91 Ibid.

92 The aim of this chapter is to provide a general overview of Article 12 and only to highlight the existence of such jurisprudence, and not to provide an in-depth analysis.

8. Practical Aspects for the Implementation and Best Practices for Applying Article 12

8.1. Principles of Practical Implementation

In order for Article 12 to be genuinely implemented, not only by legislation but also in practice, some basic principles need to be followed:⁹³a) Children need to *understand* what the project or the process in which they may exercise their participation rights is about, what it is for, and what is their exact role in it. Unless children have a genuine understanding, based on accessible and age-appropriate information, their participation may easily become exploitative; b) The structure of participation shall be *transparent*; c) Children shall be *involved in the process from the earliest stage possible* of any initiative, so they have the opportunity to shape their participation; d) Non-discrimination as indicated in *Article 2* of the UNCRC shall be applied throughout the process; e) Adults need to settle ground rules to be followed for both children and adult participants. These rules may provide boundaries and a framework for participation which increases the safety of children in the given situation and, as such, enhances genuine participation. It is even better to negotiate these ground rules with children and set them as a compromise for greater acceptance; f) Participation shall always be voluntary for children; it is always a right and never an obligation; g) It is outstandingly important that children shall always be taken as seriously as possible throughout the participation process. They are entitled to respect for their views and experience. Participation is not a gift but a fundamental human right.

In conclusion, following these principles may contribute to genuine participation. Nevertheless, it is also important to note that *there are no blueprints* for effective consultation and participation with children.⁹⁴ Creating blueprints would deny children the opportunity to be involved in the design and development of projects; therefore, every project needs to develop its own methodology appropriate to its own aims.⁹⁵

8.2. Best Practices for Involving Children and Implementing Article 12 in a Broad Sense

Child participation, in its broadest sense, can be⁹⁶ *consultative*, which is adult-initiated and adult-led and managed, where children have no real control over the outcomes; *participative*, where the aim is to create opportunities for children to understand and apply democratic principles as well as to involve children in the development of services and policies that have an impact on them; *promoting self-advocacy*, where the aim is to empower children to identify and fulfil their own initiatives

93 UNICEF and Lansdown, 2001, p. 9.

94 Ibid., p. 10.

95 Ibid.

96 Ibid., p. 16.

A good example of the consultative process is the *Children's Parliament in Slovenia*.⁹⁷ At the same time when the parliamentary democracy was introduced, a Children's Parliament was also established in Slovenia. Each year, there is a different topic which is introduced in Slovenian schools, and schools elect and delegate 100 children between the age of 13-15 years to the Children's Parliament where this topic is discussed. The topics include, e.g. healthy environment, child-friendly schools, friendship without violence, war, etc. The Children's Parliament is listened to by the Parliament of Slovenia each year.

Good examples of participative processes are the programmes that aim to mitigate violence in schools and involve children in the elaboration of prevention strategies. In the early 1990s, in the UK in Highfield,⁹⁸ school children and teachers, as a result of such a process, established a school council with real power, and created a bullying box where children could, in confidence, give information about being bullied, and appointed "guardian angels" who were there for children who needed support, were without friends, or were bullied. As a result, the school became a safer place for children.

9. Role of the CRC Committee

The CRC Committee as the mechanism responsible for overseeing the implementation of the CRC has an important role to play.⁹⁹ While various tools are utilised to shape rights and obligations and promote compliance with treaty requirements, the fundamental and most pervasive approach adopted by treaty bodies are concluding observations and, from the perspective of effecting change, recommendations.¹⁰⁰ The CRC Committee issues also general comments, which are important in terms of navigating the implementation, nevertheless they are not legally binding. The CRC Committee has consistently emphasized that meaningful participation goes beyond formal consultation, requiring that children be actively involved in decision-making processes at local, national, and international levels. The Committee encourages governments, civil society, and institutions to create environments where children's opinions are genuinely sought, listened to, and taken into account, whether in families, schools, judicial proceedings, or policy development. Through its General Comments and Concluding Observations, especially General Comment No. 12 (2009) on the right to be heard, the Committee has provided detailed guidance on child participation¹⁰¹ and has continued to engage directly with children by incorporating their perspectives in reviews, consultations, and reporting processes. By doing so, the Committee makes

97 Lansdown, 2022.

98 UNICEF and Lansdown, 2001, p. 26.

99 Molloy, 2024, pp. 669–693.

100 UNICEF and Lansdown, 2001, p. 26.

101 Molloy, 2024.

the effort to recognise children as active rights holders and agents in their own lives and communities.

10. Concluding Remarks and Pros and Cons for the Implementation of Article 12

Besides being a fundamental human right, as well as a right of the child, listening to children can lead to better decisions,¹⁰² support children's understanding of democratic decision-making,¹⁰³ and strengthen the effectiveness of child protection.¹⁰⁴ Nevertheless, the necessity and added-value of child-participation is very often challenged by arguments which can be summarised in the following non-exhaustive list¹⁰⁵:

1. Children lack the competence or experience to participate.
2. Children must, firstly, learn to take responsibility before they are granted rights.
3. Providing children the right to be heard can put a big pressure of injuring their childhood.
4. It will lead to a lack of respect for adults (parents).
5. However, these arguments can be contra challenged, which can, moreover be backed by several arguments that underline the importance of Article 12 in the realisation and exercise of children's rights.

As to the *lack of competence*, similarly to adults, children have different levels of competence in different parts of their lives.¹⁰⁶ Even little children are able to speak about issues that affect them in their everyday life. It is the means of communication that decides on effectiveness, as well as the level of support provided by adults.

As to *taking responsibilities*, genuine education on rights always stresses that behind the rights there is the responsibility of also respecting the rights of others. Therefore, the stress shall rather be put on a genuine education of children's rights rather than excessively emphasising the responsibilities.

As to the *too big pressure and presumable injury* to their childhood, it is important to underline that Article 12 is never an obligation, but a right and, as such, an opportunity for children. Childhood is a period of life which prepares and, in a way, also strengthens individuals for adulthood. The "stress" and "pressure" stemming from participation is better experienced from an early age in a safe environment, which takes into consideration the child's evolving capacity throughout childhood.

Finally, the argument about the *lack of respect* for adults can be challenged at its very root. Listening to children is about respecting them and helping them learn the

102 UNICEF and Lansdown, 2001; Molloy, 2024, p. 4.

103 Ibid., p. 6.

104 Marrus and Laufer-Ukeles, 2021.

105 UNICEF and Lansdown, 2001, p. 8.

106 Ibid.

value and importance of respecting others. Article 12, as well as the whole UNCRC, is about teaching children that they indeed have rights, however, these rights are not limitless but have boundaries that are provided by respecting the fundamental rights of others.

Bibliography

- Daly, A., Rap, S. (2019) 'Children's Participation in the Justice System' in Kilkelly, U., Liefwaard, T. (eds.) *International Human Rights for Children*. Singapore: Springer, pp. 299–319.
- Daly, A. (2011) 'The right of children to be heard in civil proceedings and the emerging law of the European Court of Human Rights', *The International Journal of Human Rights*, 15(3), pp. 441–461; <https://doi.org/10.1080/13642980903542710>.
- Lansdown, G. (2022) 'Article 12: The Right to Be Heard' in Vaghri, Z., et al. (eds) *Monitoring State Compliance with the UN Convention on the Rights of the Child – Children's Well-Being: Indicators and Research*. Vol 25. Cham: Springer, pp. 41–48; https://doi.org/10.1007/978-3-030-84647-3_5
- Marrus, E., Laufer-Ukeles, P. (eds.) (2021) *Global Reflections on Children's Rights and the Law 30 Years After the Convention on the Rights of the Child*. 1st edn. London: Routledge.
- Molloy, S. (2024) 'The Committee on the Rights of the Child and Article 12: Applying the Lundy model to treaty body recommendations', *Leiden Journal of International Law*, 37(3), pp. 669–693; <https://doi.org/10.1017/S0922156524000098>.
- UN Committee on the Rights of the Child (2003) *General Comment No. 5. (2003) General measures of implementation of the Convention on the Rights of the Child*, CRC/GC/2003/5 [Online]. Available at: <https://digitallibrary.un.org/record/513415?v=pdf> (Accessed: 20 February 2024).
- UN Committee on the Rights of the Child (2009) *General Comment No. 12. on the child right to be heard*, CRC/C/GC/12 [Online]. Available at: <https://digitallibrary.un.org/record/671444?v=pdf> (Accessed: 20 February 2024).
- UN Committee on the Rights of the Child (2013) *General comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration*, CRC/C/GC/14 [Online]. Available at: <https://digitallibrary.un.org/record/778523?ln=fr&v=pdf> (Accessed: 20 February 2024).
- UNICEF, Lansdown, G. (2001) *Promoting children's participation in democratic decision-making*. Florence: United Nations Children's Fund Innocenti Research Centre.
- Van Bueren, G. (1995) *The international law on the rights of the child*. Leiden: Brill Nijhoff.
- Wopera, Zs. (2023) 'Strengthening the right of children to express their views in family law procedures', *European Integration Studies*, 19(1), pp. 341–355; <https://doi.org/10.46941/2023.e1.16>.