**Human Rights Council – 45th session

Explanation of Vote**

 **Resolution on the Rights of the child: realizing the rights of the child through a healthy environment**

**Australia Statement**

**7 October 2020**

Australia cannot accept amendment L.64 because it undermines the right of the child to meaningfully participate in decision making processes in matters affecting them.

This amendment runs counter to the Convention on the Rights of the Child (CRC), which guarantees the right to freedom of expression in Article 13, and the right of the child to express their views freely in all matters affecting them in Article 12. Together, these two articles lay the foundation for children’s participation in decision making processes which affect them.

By seeking to introduce the need for guidance from parents and legal guardians in children’s participation, amendment L.64 undermines children as rights holders, and fails to recognize the importance of children’s participation in ensuring the enjoyment of their rights.

As drafted by the core-group, the paragraph in question in this amendment (operative paragraph nine) accurately reflects the CRC in this regard, including by acknowledging that children’s participation in such decision making processes should be in accordance with their evolving capacities.

Children’s participation in decisions affecting them is crucial to developing policies that respond to their specific needs and ensure the promotion and protection of their rights.

Finally, amendment L.64 assumes that all parents and legal guardians, in all circumstances, will provide guidance which is in the best interests of the child. Unfortunately, we know that this will not always be the case. Families are not always a safe and respectful environment which enables individuals to realise their rights. Where this is not the case, guidance from parents and legal guardians can contribute to negative outcomes for the realization of children’s rights, and we must recognize and respond to this unfortunate reality in ensuring the rights of the child to meaningful participation.

For these reasons, Australia will [call a vote and] vote against amendment L.64, and urges all members of the Council to do the same.

***310 words.***