



**BROKEN  
CHALK**

Submission to the United Nations OFFICE OF THE HIGH  
COMMISSIONER FOR HUMAN RIGHTS

**CALL FOR INPUT | SPECIAL PROCEDURES**

**ISSUED BY SPECIAL RAPPORTEUR ON THE RIGHT TO  
DEVELOPMENT**

2024 reports by Special Rapporteur on the right to  
development.

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**Submitting Organization: BROKEN CHALK**

**March 2024**

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Submission to the United Nations Office Of The High Commissioner For Human Rights

CALL FOR INPUT | OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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**Broken Chalk** is an Amsterdam-based non-governmental organisation (NGO) committed to addressing human rights violations in the education sector. It was established in October 2020. A multinational team of dedicated human rights advocates collaborates extensively on researching violations in every corner of the world.

The organisation's primary activities include removing obstacles to education, promoting peace and tranquillity in society through intercultural tolerance, preventing radicalism and polarisation, and eliminating educational opportunity gaps across different demographics.

Broken Chalk works hard in advocacy and lobbying on behalf of these educational victims, engaging with international organisations to prompt action. Additionally, the volunteers and interns working remotely worldwide at Broken Chalk prepare comprehensive reports for international organisations, stakeholders, and governments, highlighting human rights violations in education. These reports aim to draw attention to the often-overlooked aspects of human rights violations, providing stakeholders with a complete understanding and calling for the international community to act in cases where conflict halts access to education and endangers civilians' lives. This approach ensures that awareness is raised and necessary actions are taken to address these violations. Broken Chalk is genuinely international, achieving a local and global perspective in its work.

## Table of Contents

<i>What does the right to development mean for children in line with the relevant policy frameworks and normative instruments? What about the right to development of future generations? .....</i>	<b>4</b>
<i>How are the human rights of children and future generations impacted by development-related decisions (e.g., related to economic development or new technologies) made by the present adult generation? Please provide examples from your country or area of work. ....</i>	<b>5</b>
<i>How to ensure a meaningful participation of children and future generations in development-related decisions at all levels (e.g., in policy formulation or impact assessment)? Are there any existing good practices or models? .....</i>	<b>7</b>
<i>How to integrate an intersectional approach to the participation of children to ensure that differentiated impacts on children due to various discriminations, exclusions or vulnerabilities are considered? Kindly share any good practices. ....</i>	<b>9</b>
<i>What measures should be taken to protect and empower child human rights defenders? .</i>	<b>11</b>
<i>How to create child-friendly judicial and non-judicial remedial mechanisms to address violations of children’s rights in the context of development policies, projects or programmes?.....</i>	<b>12</b>

## What does the right to development mean for children in line with the relevant policy frameworks and normative instruments? What about the right to development of future generations?

The right to development for children refers to ensuring that children have access to the necessary conditions for their holistic growth and well-being, encompassing economic, social, political, and cultural dimensions. The planetary crisis, including the climate emergency, biodiversity collapse, and widespread pollution, poses an immediate danger to children's rights worldwide. Nations have an obligation to address environmental harm and climate change due to the adverse effects of environmental degradation on the enjoyment of children's rights. As the Convention on the Rights of the Child outlines, children's rights extend to environmental protection, entitling children to a clean, healthy, and sustainable environment.<sup>1</sup> States should take measures to ensure that children are protected from foreseeable premature or unnatural death and threats to their lives and enjoy their right to life with dignity. Such measures include adopting and effectively implementing environmental standards, for example, those related to air and water quality, food safety, lead exposure and greenhouse gas emissions, and all other adequate and necessary environmental measures that protect children's right to life. Moreover, children have the right to quality education that enables their intellectual, emotional, and social development. However, the right to education is particularly susceptible to the effects of environmental harm.<sup>2</sup> This susceptibility can lead to school closures, interruptions in education, increased dropout rates, and damage to school facilities and recreational spaces.

The right to development of future generations means ensuring that the decisions and actions of the present generation do not compromise the ability of future generations to meet their own needs and aspirations. This principle is grounded in the concept of intergenerational equity, which emphasises the need for sustainable development that balances the needs of the present without compromising the ability of future generations to meet their own needs.<sup>3</sup> Future generations have the right to inherit all individual and collective human rights, which encompass civil and political rights, economic, social, and cultural rights, the right to a clean, healthy, and sustainable environment, the right to development, the right to self-determination, and the right to peace.<sup>4</sup>

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<sup>1</sup> United Nations - Committee on the Rights of the Child. (2023). *General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change*. <https://www.ohchr.org/en/documents/general-comments-and-recommendations/crcgc26-general-comment-no-26-2023-childrens-rights>

<sup>2</sup> Ibid.

<sup>3</sup> Office of the United Nations High Commissioner for Human Rights. (2023). *Maastricht Principles on The Human Rights of Future Generations*. Retrieved February 23, 2024, from <https://www.ohchr.org/sites/default/files/documents/new-york/events/hr75-future-generations/Maastricht-Principles-on-The-Human-Rights-of-Future-Generations.pdf>

<sup>4</sup> Ibid.

How are the human rights of children and future generations impacted by development-related decisions (e.g., related to economic development or new technologies) made by the present adult generation? Please provide examples from your country or area of work.

In Romania, the ramifications of development decisions on the human rights of children and future generations extend far beyond immediate environmental concerns to encompass long-term effects on education, health, and overall well-being. One significant consequence of environmentally harmful developmental decisions is the degradation of educational opportunities for children. Environmental pollution resulting from industrial activities poses significant health risks to children, leading to higher rates of respiratory illnesses, developmental delays, and other health issues.<sup>5</sup> These health challenges directly impact children's ability to attend school and hinder their capacity to engage in the learning process fully.<sup>6</sup> Chronic illnesses can result in frequent absences from school, leading to academic setbacks and diminishing educational outcomes for affected children.<sup>7</sup> Moreover, the degradation of natural resources, such as water and arable land, exacerbates socio-economic inequalities, further marginalising vulnerable communities and hindering access to quality education.<sup>8</sup> Children from these communities are often forced to forego schooling to support their families or may attend poorly resourced schools that lack essential facilities and qualified teachers, perpetuating cycles of poverty and inequality across generations.<sup>9</sup> Furthermore, the environmental degradation caused by developmental decisions can impede children's cognitive development and academic performance.<sup>10</sup> Exposure to environmental toxins has been linked to neurological impairments and learning disabilities in children, hindering their ability to concentrate, process information, and retain knowledge.<sup>11</sup>

In addition to the direct impacts on children's health and academic performance, environmentally harmful developmental decisions can undermine the capacity of future generations to participate effectively in addressing environmental challenges. By depleting natural resources and exacerbating climate change, current developmental practices limit

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<sup>5</sup> Cutcu, I., Ozkok, Y., & Golpek, F. (2023). Environment, education, and economy nexus: evidence from selected EU countries. *Environmental Science and Pollution Research*, 30(3), 7474-7497. Available at: <https://link.springer.com/article/10.1007/s11356-022-22674-w>

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Mihai, F. C., & Minea, I. (2021). Sustainable Alternative Routes versus Linear Economy and Resources Degradation in Eastern Romania. *Sustainability*, 13(19), 10574. Available at: <https://www.mdpi.com/2071-1050/13/19/10574>

<sup>9</sup> Muntele, I. O. N. E. L., Istrate, M. A. R. I. N. E. L. A., & Bunduc, F. L. O. R. I. N. A. (2020). Educational disparities in Romania. A multilevel analysis of the National Assessment Examination success rate. *Rev. Roum. Géogr. Rom. Journ. Geogr.*, 64, 43-55.

<sup>10</sup> Clark, H., Coll-Seck, A. M., Banerjee, A., Peterson, S., Dalglish, S. L., Ameratunga, S., ... & Costello, A. (2020). A future for the world's children? A WHO–UNICEF–Lancet Commission. *The Lancet*, 395(10224), 605-658.

<sup>11</sup> Ibid.

opportunities for children to learn about environmental stewardship and sustainable development.<sup>12</sup> Examining Romania's practices in light of the Maastricht Principles on the Human Rights of Future Generations reveals significant discrepancies.<sup>13</sup> Historically, Romania has faced challenges balancing economic development with environmental protection, often prioritising short-term gains over long-term sustainability.<sup>14</sup> Policies favouring industrial growth and extractive industries have led to extensive environmental degradation, with consequences ranging from deforestation and habitat destruction to air and water pollution.<sup>15</sup>

Moreover, law enforcement of environmental regulations and inadequate oversight have allowed for the unchecked expansion of polluting industries, perpetuating a cycle of environmental degradation and intergenerational injustice. These practices have failed to uphold the principles of intergenerational equity and environmental sustainability, undermining the rights of future generations to a clean and healthy environment.<sup>16</sup> While recent legislative reforms signal an awareness of the need for change, significant gaps persist between policy intentions and on-the-ground realities.

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<sup>12</sup> Ibid.

<sup>13</sup> Román, L. P., & Castellino, J. (2022). 20. The European Union and global development cooperation: promoting minority rights? *Research Handbook on Minority Politics in the European Union*, 398.

<sup>14</sup> Dumitrescu, C. I., Moiceanu, G., Dobrescu, R. M., & Popescu, M. A. M. (2022). Analysis of UNESCO ESD Priority Areas' Implementation in Romanian HEIs. *International Journal of Environmental Research and Public Health*, 19(20), 13363. Available at: <https://www.mdpi.com/1660-4601/19/20/13363>

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

## How to ensure a meaningful participation of children and future generations in development-related decisions at all levels (e.g., in policy formulation or impact assessment)? Are there any existing good practices or models?

One notable approach in Romania is the establishment of youth councils at the local level. These councils serve as platforms for young people to voice their opinions, propose initiatives, and engage in decision-making processes on issues affecting them and their communities.<sup>17</sup> Through these councils, young people have the opportunity to contribute actively to local governance and advocate for policies that address their needs and concerns.<sup>18</sup> Additionally, Romania has implemented educational programs to promote civic engagement and participatory citizenship among children and youth.<sup>19</sup> These programs, integrated into school curricula or offered through extracurricular activities, equip young people with the knowledge, skills, and confidence to engage meaningfully in civic life.<sup>20</sup> By fostering an understanding of democratic principles, human rights, and active citizenship, these initiatives empower young people to participate effectively in decision-making processes.

Furthermore, Romania has embraced digital technologies to enhance children's participation in development decisions.<sup>21</sup> Online and social media platforms are increasingly utilised to solicit feedback, conduct surveys, and facilitate discussions with children and youth on various policy issues.<sup>22</sup> These digital tools enable broader participation and reach, allowing young people from diverse backgrounds to contribute their perspectives and ideas, irrespective of their geographic location.

While these initiatives represent positive steps towards promoting children's participation in development-related decisions, there is still room for improvement. Efforts should ensure that youth councils and similar structures are inclusive and accessible to all young people, including those from marginalised and vulnerable groups. Continued investment in civic education and digital literacy programs is crucial to empower children and youth to become active and informed participants in democratic processes. By building on existing good practices and fostering a culture of dialogue and collaboration between children, youth, and decision-

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<sup>17</sup> Stănuș, C., & Pop, D. (2021). Local State-Society Relations in Romania. *Close Ties in European Local Governance: Linking Local State and Society*, 319-335. Available at: [https://link.springer.com/chapter/10.1007/978-3-030-44794-6\\_22](https://link.springer.com/chapter/10.1007/978-3-030-44794-6_22)

<sup>18</sup> Ibid.

<sup>19</sup> Alfirević, N., Arslanagić-Kalajdžić, M., & Lep, Ž. (2023). The role of higher education and civic involvement in converting young adults' social responsibility to prosocial behaviour. *Scientific Reports*, 13(1), 2559. Available at: <https://www.nature.com/articles/s41598-023-29562-4>

<sup>20</sup> Ibid.

<sup>21</sup> Neagu, G., Berigel, M., & Lendzhova, V. (2021). How digital inclusion increase opportunities for young people: Case of Neets from Bulgaria, Romania and Turkey. *Sustainability*, 13(14), 7894. Available at: <https://www.mdpi.com/2071-1050/13/14/7894>

<sup>22</sup> Ibid.

makers, Romania can further enhance the meaningful participation of future generations in shaping their communities and realising their rights. Through sustained efforts and continued innovation, Romania can create a more inclusive and sustainable future for all its inhabitants.



How to integrate an intersectional approach to the participation of children to ensure that differentiated impacts on children due to various discriminations, exclusions or vulnerabilities are considered? Kindly share any good practices.

In Romania, integrating an intersectional approach to children's participation requires addressing the challenges they face due to discrimination, exclusion, and vulnerabilities related to factors like gender, ethnicity, and socio-economic status. To ensure effective participation, it's essential to implement inclusive educational policies that cater to diverse needs and empower marginalised children to voice their opinions in decision-making processes. By fostering inclusivity and equity, Romania can promote a more natural and holistic approach to children's participation, benefiting society.

One significant aspect of this integration effort involves recognising and addressing the discrimination and vulnerabilities faced by marginalised groups, particularly the Roma population in Romania. The European Commission reports that Romania is home to approximately 1.85 million Roma, constituting 8.32% of the population.<sup>23</sup> The prevalence of anti-Gypsyism, as highlighted in the ECRI's 2019 Report on Romania, perpetuates bias and exacerbates social marginalisation, with Roma individuals enduring unjust labels and unfair associations with criminality.<sup>24</sup>

The national Roma integration strategy addresses these challenges by prioritising education, employment, healthcare, and housing. Recognising Roma as an official ethnic minority, the strategy focuses on ensuring school attendance, especially for Roma girls, and ending school segregation.<sup>25</sup> However, poverty rates among children remain high, with nearly 30% enduring poverty spanning three to four years. This issue is especially prominent in rural areas where one out of every two children lives in poverty.<sup>26</sup> Romania's efforts to integrate Roma children into early childhood education and care and promote Roma entrepreneurship signify steps toward inclusion, yet persistent poverty highlights the need for sustained action and targeted policies.

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<sup>23</sup> European Commission. (n.d.). *Romania - Facts and figures*. [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/roma-eu/roma-equality-inclusion-and-participation-eu-country/romania\\_en#:~:text=National%20strategy%20for%20Roma%20integration,-Romania's%20top%20priorities&text=In%20Romania%2C%20the%20Roma%20are,and%20ending%20segregation%20in%20schools](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/roma-eu/roma-equality-inclusion-and-participation-eu-country/romania_en#:~:text=National%20strategy%20for%20Roma%20integration,-Romania's%20top%20priorities&text=In%20Romania%2C%20the%20Roma%20are,and%20ending%20segregation%20in%20schools).

<sup>24</sup> Council of Europe. (2019). *ECRI Report on Romania (Fifth Monitoring Cycle)*. <https://rm.coe.int/fifth-report-on-romania/168094c9e5>

<sup>25</sup> European Commission. (n.d.). *Romania - Facts and figures*. [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/roma-eu/roma-equality-inclusion-and-participation-eu-country/romania\\_en#:~:text=National%20strategy%20for%20Roma%20integration,-Romania's%20top%20priorities&text=In%20Romania%2C%20the%20Roma%20are,and%20ending%20segregation%20in%20schools](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/roma-eu/roma-equality-inclusion-and-participation-eu-country/romania_en#:~:text=National%20strategy%20for%20Roma%20integration,-Romania's%20top%20priorities&text=In%20Romania%2C%20the%20Roma%20are,and%20ending%20segregation%20in%20schools).

<sup>26</sup> The World Bank & UNICEF. (2017). *Romania: Children in public care*. [https://www.unicef.org/romania/sites/unicef.org.romania/files/2019-04/Romania\\_Children\\_in\\_Public\\_Care\\_2014.pdf](https://www.unicef.org/romania/sites/unicef.org.romania/files/2019-04/Romania_Children_in_Public_Care_2014.pdf)

Projects like the "Ready Set Go!" initiative exemplify attempts to address these disparities by improving access to education for Roma children aged 3-6. The project was implemented between 2014 and 2017 to enhance kindergarten quality and increase enrolment among Roma children in poor rural areas. The initiative sought to bridge gaps in educational access and participation by establishing new preschool places and providing parental support and empowerment activities, benefiting hundreds of children and families.<sup>27</sup>

Efforts to amplify children's voices in policy-making processes, as outlined in the "Bucharest Children's Declaration," represent another crucial aspect of promoting intersectional participation. The declaration emphasises the importance of integrating child participation as a guiding principle in policy-making endeavours. It advocates for mechanisms to consult children locally and nationally and allocate EU funds to support child rights initiatives. The declaration presents vital recommendations for enhancing children's participation in policy making across the EU and Member States, including implementing a monitoring system for child rights with a focus on participation, designating a special EU-wide day to celebrate child involvement, introducing educational programs to inform children about their right to participate, and establishing consultation mechanisms at local and national levels.<sup>28</sup> By incorporating children's perspectives and experiences into decision-making processes, Romania and the European Union can foster more inclusive policies that address the differentiated impacts of discrimination and exclusion on children from diverse backgrounds.

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<sup>27</sup> European Commission, Directorate-General for Education, Youth, Sport and Culture, Vandekerckhove, A., Hulpia, H., Budginaitė-Mačkinė, I. (2019). *The role and place of ECEC in integrated working, benefitting vulnerable groups such as Roma: analytical report*, Publications Office. <https://data.europa.eu/doi/10.2766/041535>

<sup>28</sup> Bucharest Declaration highlights the role of children in decision-making processes. (2019). *European Commission*. <https://ec.europa.eu/social/main.jsp?catId=89&furtherNews=yes&newsId=9380&langId=en>

## What measures should be taken to protect and empower child human rights defenders?

In Romania, protecting and empowering child human rights defenders requires a multi-faceted approach involving legal, institutional, and societal support.

On the legal level, ensuring that national laws and policies explicitly recognise and protect the rights of child human rights defenders is the first step to creating a solid common basis for protection. Also, mechanisms or offices within both governmental and non-governmental institutions should support and advocate for child activists; good training for law enforcement, judicial personnel, and other relevant stakeholders on the rights of child human rights defenders and how to effectively support and protect them is a practical example of how to safeguard them.<sup>29</sup>

To guarantee an effective level of protection for children, monitoring the implementation of laws and policies related to child human rights defenders is a complementary guarantee. Further suggestion can be establishing a reporting mechanism to report any violations of their rights or instances of harassment or intimidation they may face as activists.<sup>30</sup> Conduct regular assessments of the safety and well-being of child activists and take appropriate action to address any concerns or risks they may face.

Concerning empowerment, providing training and resources to child activists would enhance their knowledge of human rights, advocacy skills, and ways to effectively engage with authorities and other stakeholders, facilitating networking and collaboration among child activists to strengthen their collective voice and impact.<sup>31</sup> Social media and other platforms can support child activists' initiatives and raise awareness of their issues and campaigns.

It's essential to continuously assess the effectiveness of existing measures and policies and adapt them to ensure that child human rights defenders in Romania have the support and protection they need to carry out their important work safely and effectively.

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<sup>29</sup> *Child Human Rights Defenders*. (n.d.). Child Rights Connect. <https://childrightsconnect.org/children-human-rights-defenders-2/>

<sup>30</sup> *Supporting and protecting human rights defenders*. (n.d.). The Global Alliance of National Human Rights Institution. <https://ganhri.org/supporting-human-rights-defenders/>

<sup>31</sup> Amnesty International. (2023). *Child and young human rights defenders leading human rights change*. <https://www.amnesty.org/en/documents/ior40/7413/2023/en/>

## How to create child-friendly judicial and non-judicial remedial mechanisms to address violations of children's rights in the context of development policies, projects or programmes?

The protection of the rights of children's rights in Romania is essential for the development of future generations. This requires empowering children to voice their concerns, actively listening to their complaints, and implementing measures to address and prevent further violations.

Romania should implement the Child-Friendly Complaints System outlined by the National Human Rights Institutions (NHRI). Romania currently does not have an NHRI however, Romania's human rights institution can implement a Child Friendly Complaint System by working with the NHRI or implementing its practices. This system is meant to provide children with an accessible opportunity to voice their complaints directly.<sup>32</sup> This can be done by submitting a formal submission or verbally expressing their concerns. All actors handling the complaints must undergo a training program with a refresher session every two years. The 40-hour mandatory training program mandated by the Law on the Protection of Children's Rights can be taught by any specialised NGO.<sup>33</sup>

In addition to complaint systems, measures need to be taken to ensure more rural and secluded parts of the region are provided with tools to address children's rights in the context of developmental policies. Romania implemented a Minimum Services Package (MPS) in Bacau County in 2015. The MPS ensured that each community had at least one social worker, community nurse, and school counsellor, providing the poorest communities with specialised school and health mediators.<sup>34</sup> This removed the economic barriers children face from accessing some of their basic needs. The success of this program was demonstrated by several factors, such as the decrease in school dropouts by 60% and the decrease in the number of children living in households affected by income poverty from 9.30% to 0.68%.<sup>35</sup> The success of the MPS in Bacau County demonstrates that it is a program worth implementing in other regions of Romania.

Romania's judicial juvenile system can contribute to addressing child rights by adopting a protection model. This would mean increasing the age of criminal responsibility to 18 years and not defining children's actions as criminal offences.<sup>36</sup> Additionally, some international best

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<sup>32</sup> UNICEF. (2019). *Child-Friendly Complaint Mechanisms*. [https://www.unicef.org/eca/sites/unicef.org/eca/files/2019-02/NHRI\\_ComplaintMechanisms.pdf](https://www.unicef.org/eca/sites/unicef.org/eca/files/2019-02/NHRI_ComplaintMechanisms.pdf)

<sup>33</sup> Ibid.

<sup>34</sup> UNICEF. (n.d.). *The Minimum Package of Services: Highlights of accumulated evidence*. <https://www.unicef.org/romania/media/4311/file/The-Minimum-Package-of-Services-Highlights.pdf>

<sup>35</sup> Ibid.

<sup>36</sup> Gerard, F. J. (2023). 119 Juvenile Homicide in Belgium. In *The Routledge International Handbook of Juvenile Homicide* (1st ed., pp. 119–133). Routledge. <https://doi.org/10.4324/9781003242833-10>

practices Romania could implement into its system include mandatory juvenile training for psychological and sociological teaching modules for judges and other actors.<sup>37</sup> The system must ensure children are fully informed of each step and consult them about the steps being taken. It is essential that the education children receive within the judicial juvenile system is of high standards and will not disadvantage them upon their release.

Children's understanding of their rights relies on their socialisation and education. Therefore, Romania must take active steps to embed education on the rights afforded to children at the early stages of their developmental process. The education system must emphasise the importance of cultural diversity as research shows children with a higher understanding of cultural diversity are more likely to endorse rights such as freedom of expression and religion.<sup>38</sup> The education system must teach children the value of imagining a future that goes beyond the outlines and conditions created by the current society. Subjectification, the de-identification of existing political identities and positions, must be embedded in the educational system so children can envision and plan for a future that meets their egalitarian ideals.<sup>39</sup>



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<sup>37</sup>Comsa, R. M. (2020). "HEAR ME OUT!" - JUVENILE JUSTICE, PEACE and THE CHILD'S RIGHT TO BE HEARD IN ROMANIA AND NORWAY. *UiT The Arctic University of Norway*. doi: <https://hdl.handle.net/10037/18821>

<sup>38</sup>Ozeto, N. T., Russell, P. S., Barrett, M., Ingoglia, S., Wium, N., La Coco, A., Inguglia, C., Liga, F., Cricchio, M. G., Iannello, N. M., & Tenenbaum, H. R. (2024). The role of valuing cultural diversity in children's endorsements of rights. *European Journal of Social Psychology*. <https://doi.org/10.1002/ejsp.3038>

<sup>39</sup>Velicu, I., & Kaika, M. (2017). Undoing Environmental Justice: Re-imagining equality in the Rosia Montana anti-mining movement. *Geoforum*, 84, 305–315. <https://doi.org/10.1016/j.geoforum.2015.10.012>