

The Work of the Committee on The Rights of the Child

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(Based on Jean Zermatten's presentation)

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The CRC Committee

1. The CRC Committee in the UN System: 1 of 8 treaty bodies, 18 individual experts, OHCHR is secretariat, reports to UNGASS through ECOSOC every two years
2. Not a judicial body, but a treaty body that monitors implementation by SPs of the obligation acquired to implement the CRC
3. Monitoring is main function.

The CRC Committee process

1. Pre-session : with NOGs, UN agencies, Ombudsperson, children. Critical for better understanding context and SP report
2. Session: dialogue with the State Parties
3. Concluding observations & recommendations to SP
4. Legislation/ jurisprudence : General Comments
5. Food for thought: Days of General Discussion
6. Follow up: Country visits, participation in seminars & conferences (academic, UN, other international), expert meetings, other
7. Individual communications

The Convention on the Rights of the Child : some numbers

- Adopted and ratified by the U.N. General Assembly on November, 20, 1989
- Entry into force on September 2, 1990
- Near universal ratification: 193 State parties have ratified
- Preamble; Part I (41 articles); Part II (4 articles); Part III (9 articles)
- Optional Protocol on Children in Armed Conflict (2000): 1?? ratifications

The Convention on the Rights of the Child : some numbers

- Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (2000): 147 ratifications
- Received app. 600 reports of which 135 on the OPs
- Considered over 450 reports
- Due to work load membership expanded from 10 to 18 experts & 2-chambers on 3 occasions (latest 2010).

Legislative Activity

General Comments

1. A necessity : to explain a concept or the Committee's position on certain articles of the CRC
2. 13 GC from 2001 to 2011
3. The SP need to respect the GC & apply when implementing specific measures
4. Progressive : building on each other, Committee can review and revise with accumulating experience.
5. New ones: Best interest of the child, Children's

Legislative Activity

The 12 GC

- No. 1 The aims of Education (2001)
- No. 2 The role of independent human rights institutions (2002)
- No. 3 HIV/AIDS and the rights of the child (2002)
- No. 4 Adolescent health (2003)
- No. 5 General measures of implementation for The Convention on the Rights of the Child (2003)
- No. 6 Treatment of unaccompanied and separated children outside their country of origin (2005)

Legislative Activity

The 12 GC (2)

- No. 7 Implementing child rights in early childhood (2005)
- No. 8 The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (2006)
- No. 9 The rights of children with disabilities (2006)
- No. 10 Children's rights in Juvenile Justice (2007)
- No. 11 The rights of indigenous children, 2009
- No. 12 The Right to be heard, 2009
- No. 13 The Right of the child to be protected from all forms of violence

Food for thought

The Days of General Discussion

1. Once a year (almost)
2. Broad participation : SPs, NGOs, academics & experts, UN & children
3. Need to improve on children's participation
4. Important for debating issues arising during examination process, may or may not become GC; updates knowledge & common understanding.

Working Methods

- The Committee works on reports and dialogue: starting point is the State Party report, complemented by alternative/shadow reports by NGOs (national & international), UNICEF Ombudsperson when existing, other UN agencies, other TBs & special procedures, children's networks
- No field visit and no personal and formal contact with the SP authorities before the session.

Working Methods

- UPR process important to draw attention on CRC recommendations
- UNICEF report & follow up is key. Confidentiality strictly respected. Guidelines for reporting by UNICEF being develop
- OPs same method for first SP report; thereafter incorporated into CRC report.

Working Methods

Mandatory steps

1. The SP report
2. The Pre-session > List of Issues
3. Written answers by SP
4. The Session: a privileged moment for a public dialogue to i) assess progress made, ii) understand limiting factors and iii) chart way ahead.
5. Concluding observations & recommendations (COR)
6. Follow up.

Working Methods

The delegation

- SP can form its delegation as it wishes
- The Committee welcomes a delegation with intersectorial members (Justice, Welfare, Education, Health...) lead by a high-level official
- ...and with representatives with concrete involvement in strategic decisions relating to the rights of the child
- When delegations are headed by someone with higher governmental responsibility, the discussions are likely to be more fruitful and to have more impact on policy-making and implementation.

Working Methods

CLUSTERS OF THE CONVENTION :

structure of the dialogue & format of the COR

1st part

1. General measures of implementation
2. Definition of the child
3. General principles
4. Civil rights and freedoms

Working Methods

CLUSTERS OF THE CONVENTION :

structure of the dialogue & formal of the COR

2nd part

4. Family environment and alternative care
5. Basic health and welfare
6. Education, leisure and cultural activities
7. Special protection measures

Working Methods

Concluding Observations & Recommendations

1. Based on dialogue & all reference material provided
2. Refer to previous COR
3. Constant improvement :
 - need to be standard-setting yet specific to country situation.
 - need to cover all rights yet be strategic.
4. Work with UNICEF & others to develop key indicators, measures of progress and accurate formulation of recommendations.
5. Emerging issues : how to tackle e.g. business & child rights, climate change & environment, new family dynamics, migration, transgender issues etc.

Working Methods

The Follow up

1. Communication of COR to the SP : Government, Supreme Court & Parliament (with request for ample dissemination)
2. Communication to all concerned UN agencies, TB & special procedures.
3. Dissemination to media, decentralized levels of government, children : key role of UNICEF & civil society/NGOs
4. Material for training, courses, seminars.

The Way Ahead

5. Supporting process of the ratification and implementation of new OP on 'individual communications'.
6. Hold annual joint meetings between CRC members & other stakeholders to
 - i) continue improving joint working methods,
 - ii) continue building knowledge on emerging issues as they affect children and
 - iii) help sharpen CORs.

The Way Ahead for the Committee

Thematic challenges:

- Eliminate reservations to CRC
- A holistic view of the child : prevention and protection in broader framework of economic and social public policies
- CRC part of the national legislation, inner law
- National Plans of Action anchored in national development strategy and national budget
- Institutional and human resources development
- Child participation
- Understanding emerging issues

The Way Ahead for the Committee

Backlog & methods of work

- Overcome backlog
- Ensure good mix of expertise among Committee members
- Become strategic yet detailed/rights-based

Follow up work : implementation at national level & standard setting at international level

- Coordination with other bodies
- Resources for specific purposes

Awareness raising, dissemination, mainstreaming

THANK YOU