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HUMAN RIGHTS BODIES AND MECHANISMS

Joint written statement* submitted by International Save the Children Alliance and World Vision International (WVI), non-governmental organizations in general consultative status, and Kindernothilfe-Help for Children in Need, SOS Kinderdorf International (SOS-KDI) and World Organisation against Torture, non-governmental organizations in special consultative status, and Plan International, Inc, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 May 2008]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

A communications procedure for the Convention on the Rights of the Child¹

The Convention on the Rights of the Child (CRC) is the most comprehensive treaty on the human rights of children: it emphasizes the economic, social, cultural, civil and political rights of children. The CRC is the most universally ratified of the core human rights instruments, with 193 State Parties. Its two existing Optional Protocols, on Sale of Children, Child Prostitution and Child Pornography and on the Involvement of Children in Armed Conflict, have each achieved more than 100 ratifications.

Although the CRC obliges governments to respect and ensure the rights set forth in the CRC, millions of children continue to suffer from violations of their rights including violence and abuse: children on the street, in refugee camps and war zones, in detention, in fields and factories and even at home and in schools. Children have few mechanisms for reporting violations of their rights. This needs to change. The Convention is the only international human rights treaty with a mandatory reporting procedure which does not have, in addition, an existing or draft communications procedure. This is a serious matter of discrimination against children and weakens effective implementation of the CRC.

The international protection of children's rights is incomplete without a communications procedure, allowing children and their representatives to pursue breaches of their rights under the Convention. While the mechanisms established under other international instruments can be used to pursue some rights, they do not cover, separately or together, the full range and detail of rights for children contained in the CRC. The Convention guarantees many unique and important rights. Furthermore, communications made on behalf of children to the other bodies are not considered by committees with special expertise on children's rights.

There is widespread recognition that the Convention has achieved a new visibility for the rights of children and that it has led to advances on many issues in many regions. But there is also ample evidence, both from the reporting process under the Convention and from UN agencies and NGOs, that the rights of millions of children are not adequately respected and that States' legal obligations are in many cases not being fulfilled.

For human rights to have meaning, effective remedies must be available to redress violations. As the Committee on the Rights of the Child has emphasised: "Children's special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights." (General Comment No. 5). The introduction of a communications procedure would both encourage States to develop appropriate remedies for breaches of children's rights at national level, and provide an external mechanism for children and their representatives to appeal to when national remedies do not exist or are ineffective.

The reporting system established by the Convention is acknowledged to be one of the most effective in the UN system. A communications procedure would complement States' reporting obligations, enabling individuals and groups to take up non-compliance of rights directly with the Committee, where national mechanisms are not effective. In addition, as with provisions in the Optional Protocols to CEDAW and to the new Convention on the

¹ Global Initiative to End All Corporal Punishment of Children and Child Rights Information Network (CRIN) also share the views expressed in this statement.

Rights of Persons with Disabilities, the OP to the CRC could enable the Committee to establish urgent inquiries when it is informed of grave or systematic violations of children's rights.

There is already a clear precedent – children can already pursue complaints through the existing communications procedures of the treaty bodies and the regional human rights mechanisms. There is no reason why the Convention on the Rights of the Child could not be subjected to a similar procedure. Moreover, of all the international and regional human rights instruments, the CRC provides the broadest protection for children's rights; children should have a means of challenging violations of the rights contained within the CRC.

Children have waited nearly 20 years for this essential mechanism to reinforce full implementation of their Convention. There should be no further delay. Many standard elements of an Optional Protocol to provide a communications procedure are already established in the Protocols linked to other instruments. Drafting should not be a long drawn out process: States could aim to have the OP open for signature by the 20th anniversary of adoption of the Convention in 2009.

There is a strong and growing international campaign for the drafting and adoption of an Optional Protocol to the CRC to provide a communications procedure. This is supported by NGOs, human rights institutions and other bodies from all regions (see: www.crin.org). More than 400 already signed a petition.

We therefore call on the Council to establish an open-ended Working Group of States to draft an Optional Protocol to the Convention on the Rights of the Child for the creation of a communications procedure under the Convention.
