

Joint written statement submitted by the **International Save the Children Alliance (ISCA)** a non-governmental organization in general consultative status, **International Alliance of Women (IAW)** a non-governmental organization in general consultative status, **International Social Service (ISS)** a non-governmental organization in general consultative status, **World Organisation against Torture (OMCT)** a non-governmental organization in general consultative status, **World Vision International (WVI)** a non-governmental organization in general consultative status, **Defence for Children International (DCI)** a non-governmental organization in special consultative status, **End Child Prostitution, Child Pornography and Trafficking in Children for sexual purposes (ECPAT)** a non-governmental organization in special consultative status, **Human Rights Advocates (HRA)** a non-governmental organization in special consultative status, **International Federation of Social Workers** a non-governmental organization in special consultative status, **International Federation Terre des Hommes (IFTDH)** a non-governmental organization in special consultative status, **SOS-Kinderdorf International** a non-governmental organization in special consultative status, **Women's World Summit Foundation (WWSF)** a non-governmental organization in special consultative status, **Plan International** a non-governmental organization on the Roster.

## **Placing the Rights of the Child on the political agenda of the Human Rights Council**

### **Introduction**

The Human Rights Council has an opportunity to place the rights of the child high on the political agenda: this opportunity must not be missed. Whilst the Convention on the Rights of the Child (CRC) has achieved almost universal ratification (193 States Parties - all countries except Somalia and USA), CRC obligations have not been translated into consistent change at national level. The rights of the child are being violated worldwide. Millions of children are depending on the Council to play its part to end this culture of impunity.

So far the Rights of the Child have only been discussed in the work of the Council to a limited degree and from the angle of “protection” of a vulnerable group or linked to conflict and humanitarian crisis. However, all dimensions need to be addressed, every right enshrined in the Convention on the Rights of the Child needs to be protected and promoted.

In order to be credible as the principal human rights body within the United Nations, the Human Rights Council must consider all human rights instruments in its work and that includes instruments relating to children.

The World Conference on Human Rights in its 1993 Vienna Declaration and Programme of Action reiterated the principle of “First call for children”. It stated that “the rights of the child should be a priority in the United Nations system-wide action on human rights”.

### **1. A Specific Agenda for the Rights of the Child**

The Human Rights Council meets for a minimum of 10 weeks or 50 days per year. If two days of this time are devoted to the rights of the child this means that 4% of session time will be spent on the rights of the child, yet girls and boys make up 33.8% of the world’s population!

A minimum of two days per year of the regular Council session should be devoted to discussion on the rights of the child. The two days could be divided into one day for general discussions which would include interactive dialogues with the High Commissioner for Human Rights, Special Procedures, Member States, the Committee on the Rights of the Child and other Treaty

Bodies, NGOs, UNICEF etc. They would aim towards the production of resolutions, decisions and concrete outcomes with a focus on specific mechanisms for follow up including yearly reports. A second day could be devoted to a special theme (for instance the UN Study on Violence Against Children) related to key events and issues at that time.

The established two days on the annual programme of work would provide the necessary predictability to child rights NGOs and children to plan their participation. However, it is also imperative that the Council has the flexibility to allocate additional time to the rights of the child if the need should arise. This could take the form, for example, of special sessions or thematic panel discussions.

## **2. A rights of the child perspective throughout the work of the Human Rights Council**

### **Review of Special Procedures**

Since their creation the Special Procedures have demonstrated their commitment to defending and promoting human rights, including the rights of the child, either through child-specific mandates or through mandates which have included a rights of the child dimension.

The review of mandates is an opportunity to strengthen and enhance the capacity of Special Procedures to address violations of the rights of the child.

The review should create mechanisms to facilitate joint actions and initiatives by Special Procedures when violations are related to different mandates so that they are addressed in a holistic manner, including violations of the rights of the child.

We strongly urge on the Human Rights Council to call on the Special Procedures to mainstream the rights of the child throughout their work. Indeed, each mandate, either country or thematic, should systematically include the rights of the child, both formally and substantively in its work.

This could, for instance, take the form of: a specific section considering the rights of the child in their annual reports; consulting with children and children's rights NGOs when visiting countries and including their perspectives in country visit reports and preparing analysis reports of specific issues relating to the rights of the child to be considered within their mandate.

It has been repeatedly stated that the review should include a rationalisation of the system. It is important that the review of mandates be based, in part, on an assessment of gaps in the protection of the rights of the child. One of the major tasks of the review should be to identify and fill these gaps. Different criteria may be used in order to identify gaps: specific rights, specific groups, specific settings or situations. The following are preliminary indications of gaps that a new system of Special Procedures should be able to address:

1)Violence against children in the home and family: Violence against girls in theory is covered by the Special Rapporteur on Violence against Women and is considered as an extension of domestic violence suffered by women. Violence against boys is completely neglected. We would ask that age be seen as a specific cause of vulnerability.

2)Violence against children in institutions is not covered by any of the existing Special Procedures. This is of particular concern given the heightened vulnerability of children in institutions to all forms of violence and States' clear responsibility for prevention and protection.

3)Violence against children in schools, although having been addressed in the past by the Special Rapporteur on Education, it is not systematically covered by any of the existing Special Procedures. Again, this is of particular relevance in both State-run schools and in private schools for the responsibility of the State to prevent and monitor violations.

4)Violence against children in detention centres, police custody, remand homes. Several of the existing mandates touch on prison conditions (Special Rapporteur on Torture, Working Group on arbitrary detention, Special Rapporteur on summary executions) but none deals centrally with the whole range of human rights of prisoners – adults and children. Children in conflict with the law are very often considered a “matter for specialists” and therefore overlooked by existing mechanisms.

### **Universal Periodic Review**

The objectives of the Universal Periodic Review (UPR) are the promotion and protection of human rights in general and the rights of the child in particular, ensuring universal coverage and equal treatment for all countries and a focus on implementation and follow up. It is important that the UPR complement and not duplicate the work of human rights Treaty Bodies, including that of the Committee on the Rights of the Child.

Furthermore, it is essential that the same standards should be applied to all countries and that the UPR should be objective, reliable and transparent. The standards used as the basis for the review should be drawn from international human rights instruments including child rights instruments such as the Convention on the Rights of the Child and its Optional Protocols, the conclusions and recommendations of Treaty Bodies including those of the Committee on the Rights of the Child, reports by Special Procedures, and the pledges and international commitments made by States.

From the debate at the inter-sessional Working Group a general consensus seemed to emerge that the UDHR should be at the core of the review, however more detailed human rights standards have been developed from the UDHR and have been adopted and ratified by States. The CRC is one of these very instruments which enjoys almost universal ratification and should therefore be included amongst the standards against which the countries should be reviewed.

In gathering information, the OHCHR should compile existing information on the country under review. This should include: Concluding Observations of the CRC and other Treaty Bodies, reports of Special Procedures, relevant country resolutions by UN Bodies. In addition, the OHCHR should prepare a yearly compilation of child rights violations included in Special Procedures reports to be able to identify gaps and to support the UPR.

The information on the human rights records of the country under review should be gathered but also provided by the country itself on the basis of a standard questionnaire. The questionnaire should have a child rights focus. National and international NGOs, national independent human rights institutions, UNICEF, other agencies and children themselves should have the right to submit relevant information on the child rights situation of the country under review.

The UPR should be undertaken by a review committee comprised of independent expert representatives, including expertise on the rights of the child, possibly from National Human Rights Institutions (NHRIs) and NGOs. The final outcome of the review should be discussed during a plenary session of the Council.

### **3. A process for meaningful child participation in the work of the Council**

The Human Rights Council should support the proposal to implement a process for meaningful child participation in the work of the Council. Working methods should specifically allow for and support meaningful child participation during the Council sessions devoted to the rights of the child and beyond. This could prove to be an invaluable tool for the Human Rights Council in understanding the particular ways in which human rights violations are witnessed by and affect children. Furthermore, the right of the child to express his or her own views on matters affecting the child is enshrined in the Convention on the Rights of the Child.

Several tools for child participation have been developed and different processes sustained by NGOs and UNICEF at the UN level. The experience of child participation in the process of the UN study on Violence against Children definitely stands out as one of the most comprehensive and of the greatest impact. We hope that the Human Rights Council will recognize the value of the participation of all human rights holders, including children. Building on previous UN experiences, we ask that the Council ensure the involvement of children in issues pertaining to the rights of the child and engage in a dialogue to develop mechanisms for meaningful child participation.

### **4. Recommendations**

The organisations listed above are calling on the Human Rights Council:

- ❑ To put the rights of the child on the agenda of the Human Rights Council for at least two days a year with one day for general discussions and one special day
- ❑ To ensure a rights of the child perspective is adopted throughout the work of the Human Rights Council, and in particular in the Special Procedures and Universal Periodic Review (UPR).
- ❑ To implement a process for meaningful child participation in the work of the Council.