

# COMMITTEE ON THE RIGHTS OF THE CHILD

The NGO Group for the CRC is a global network of 71 national and international NGOs that works through its Secretariat and thematic working groups to promote the monitoring and implementation of the UN Convention on the Rights of the Child and its two Optional Protocols. The NGO Group provides a coordinated platform for NGO action in relation to the Committee on the Rights of the Child and plays a central role in key child rights developments at the international level. For more information about the NGO Group for the CRC and its activities: [www.childrightsnet.org](http://www.childrightsnet.org)



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From 11 to 29 January 2010, the Committee on the Rights of the Child (the Committee) held its 53<sup>rd</sup> session and met in two parallel chambers to examine 16 reports from 11 States parties. Under the Convention on the Rights of the Child (CRC) the Committee examined the reports of Burkina Faso, Cameroon, Ecuador, El Salvador, Estonia, Mongolia, Norway, Paraguay, and Tajikistan.

Under the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), the Committee considered the reports of Ecuador, El Salvador, Estonia and Mongolia. Under the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC), it examined the State party reports of Ecuador, Israel, Liechtenstein and Mongolia. The consideration of the State party report of Sierra Leone on the OPSC and OPAC was postponed until September 2010 due to the State delegation not receiving its visa in time for the session.

### Working in two chambers

At the 53<sup>rd</sup> session the Committee resumed its work in two parallel chambers in order to address the huge backlog of reports pending consideration under the CRC and its two Optional Protocols (OPs). The Committee will continue working in two chambers throughout its sessions in 2010 and will examine twice as many reports as in its previous sessions. While holding sessions in two chambers will provide a temporary measure to address the backlog, the Committee discussed measures and working methods in relation to the consideration of the large number of reports received under the CRC and its OPs.

### Overview of the 53<sup>rd</sup> session of the CRC

Almost all Committee members were present at the session. The Committee members were assigned to two chambers according to a set of criteria including their areas of expertise, region, gender and length of membership.<sup>1</sup> The Committee's Chairperson Ms Yanghee Lee (Chamber A) and the Vice-Chairperson Mr Jean Zermatten (Chamber B) chaired the two chambers.

### NGO participation in the 53<sup>rd</sup> session of the CRC

For the 53<sup>rd</sup> session, the Committee received over 56 NGO reports both under the CRC and its OPs on all countries except for Liechtenstein. The session was also attended by a large number of NGO representatives including national NGOs from

<sup>1</sup> Chamber A: Agnes Aidoo, Hadeel Al-Asmar, Luigi Citarella, Peter Guran, Hatem Kotrane, Yanghee Lee, Rosa Maria Ortiz, Dainius Puras, Susana Villaran de la Puente. Chamber B was composed of the following Committee members: Kamel Filali, Maria Herczog, Moushira Khattab, Sanphasit Koompraphant, Lothar Krappmann, Marta Mauras Perez, Awich Pollar, Kamla Devi Varmah, Jean Zermatten.

Mongolia (six), Estonia (one), Cameroon (two), Israel (four), Tajikistan (three), El Salvador (three), Paraguay (one), Burkina Faso (one), Ecuador (one) and Norway (six).

Most States parties sent relatively high-level and large delegations mostly composed of high-ranking officials and ministers, representing different ministries and departments and the Permanent Representatives to the UN in Geneva. However, Liechtenstein was represented by a very small delegation composed of the Ambassador to the UN in Geneva.

Overall, most of the country examinations were held in frank, transparent and open spirit. Most of the State delegations, especially those with recently elected governments (Ecuador, Paraguay, El Salvador), demonstrated political will and commitment to child rights. While the responses were to some extent open and self-critical, they mostly focused on existing legislation, policies and programmes and provided limited information on implementation and budgetary allocations. NGO reports were, therefore, valuable sources of information for analysing State compliance with the principles and standards of the CRC.

The Committee started the dialogues by asking a set of questions covering the main provisions of the CRC, mostly focusing on the general measures of implementation such as definition of the child; general principles of the CRC, including child participation and respect for the views of the child; civil rights and freedoms including birth registration and protection of privacy; and the situation of indigenous people and children with disability. The second set of questions focused on the family environment, including the issues of adoption and alternative care; basic health and welfare, including the issues of HIV/AIDS, drug use, tobacco and alcohol consumption; harmful traditional practices, including female genital mutilation (FGM) and early marriages, as well as special protection measures, including the issues of child labour and violence against children; juvenile justice issues; and the situation of refugee children.

Most delegations divided answering questions among its members, whereas some, including Burkina Faso, left this mainly to the head of delegation. Most of the answers provided were to some extent open and self-critical, although some of the States parties did not respond to some of the most sensitive issues. Certain questions remained unanswered, including the ones on the role of and cooperation with civil society.

While noting many positive changes and legislative developments, the Committee pointed out several persisting challenges across different countries, pertaining to among others, harmonisation of legislation with the provisions of the CRC, development of a comprehensive national strategy on children, clarification of the status of State agencies working with children, budgetary allocations for children's programmes, and

where relevant, establishment of complaints mechanisms as well as independent national human rights institution in line with the Paris Principles.

#### Overview of the dialogue under the OPAC and OPSC

States parties scheduled to be examined under the OPs, sent relatively small-sized delegations with the exception of Estonia which was represented with a large high-level delegation led by the Secretary of the Ministry of Foreign Affairs and accompanied by the representatives from the Police and Border Guard, the Office of the Chancellor of Justice and the Ministry of Justice. There was no specialist from the Ministry of Defence or other relevant ministries in the delegation of Mongolia to present its reports under the OPs.

The main issues of concern raised under the OPSC were about the definition of sale of children set forth in the OPSC, and the distinction between sale of children and child trafficking which are often a cause of confusion; policies and programmes undertaken towards institutionalising the prohibition and prevention of the sale of children, child pornography, and child prostitution; criminal prosecution of perpetrators of crimes set forth in the OPs; protection of the rights of child victims; internet safety and systematic data collection on the issues of sale of children, child sex tourism and child prostitution; and international cooperation on cases involving extradition of perpetrators charged with offences under the OPs.

The main issues of concern raised under the OPAC concerned harmonisation of domestic legislation with the OP, the promotion of peace education, the export of small arms and light weapons, military schools, the age of voluntary conscription and army recruitment, the use and involvement of children in armed conflicts and hostilities, and the rehabilitation of child victims of hostilities.

#### 54<sup>th</sup> pre-session working group meeting

The pre-session working group meeting of the Committee is a 3-hour private dialogue between non-governmental actors and Committee members. The purpose of the meeting is to identify the main questions that would be discussed with the representatives of the reporting State.

The 54<sup>th</sup> pre-session meeting was attended by NGO representatives from Argentina, Belgium, Colombia, Japan, Grenada, Guatemala, Macedonia, Nigeria, and Serbia. The invited NGOs discussed priority issues and provided information on the implementation of the CRC and/or OPs to guide the Committee on the best ways of approaching sensible issues in the dialogue with the State party in May 2010. The pre-session was attended by UN specialised agencies including UNICEF and in some cases UNHCR, UNESCO, ILO and WHO.

The Committee's next session will take place from 25 May to 11 June 2010, when it will meet in two parallel cham-

bers to consider the periodic reports of Argentina, Belgium, Grenada, Guatemala, Japan, Macedonia, Nigeria, and Tunisia under the CRC; the initial reports of Argentina, Colombia, Japan, Macedonia, and Serbia, and the periodic report of Belgium under the OPSC; and the initial reports of Argentina, Colombia, Japan, Macedonia and Serbia under the OPAC.

### Working methods of the Committee

The Committee decided not to hold a day of general discussion in 2010 as it wanted to take advantage of the two chambers to examine as many State reports as possible. However, the Committee discussed, in general terms, initiatives for two future general comments; one on article 3 on the best interests of the child; and another on article 19 on violence against children. On 23 January, the first joint Working Group meeting of the Committee on the CRC and the Committee on the Elimination of Discrimination against Women also took place with the support of UNICEF to discuss possible areas of collaboration.

### 20<sup>th</sup> Anniversary of the adoption of the CRC

A two-day celebration of the 20<sup>th</sup> anniversary event was held in Geneva from 8 to 9 October 2009 to mark the adoption of the Convention on the Rights of the Child. The event focused on the theme Dignity, Development and Dialogue. The two-day event was attended by around 700 persons, including the representatives of States parties, UN agencies and other inter-governmental organisations, national human rights institutions, international and national NGOs, children's and youth groups (eight youth reporters and 15 children aged 12 and above). More than 60 States and 130 NGOs and academic institutions were represented.

The purpose of two-day event was to celebrate the twentieth anniversary of the CRC; to highlight three main challenges in the implementation of the Convention: ensuring the dignity of the child, providing the child with possibilities for development and facilitating dialogue between adults; to evaluate the status and implementation of the CRC; and to identify priorities for the future taking into consideration the two OPs to the Convention. ■

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