

Joint Written Submission

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Joint written statement submitted by WORLD VISION INTERNATIONAL, INTERNATIONAL SAVE THE CHILDREN ALLIANCE, non governmental organisations in general consultative status, WORLD ORGANISATION AGAINST TORTURE (OMCT), ECPAT INTERNATIONAL, DEFENSE FOR CHILDREN INTERNATIONAL, WOMEN’S WORLD SUMMIT FOUNDATION, INTERNATIONAL CATHOLIC CHILD BUREAU, INTERNATIONAL FEDERATION TERRE DES HOMMES, BAHA’I INTERNATIONAL COMMUNITY, non-governmental organisations with special consultative status, PLAN INTERNATIONAL, a non-governmental organisation on the roster^{1 2}.

Building a Human Rights Council that Gives Priority to the Rights of Children

Introduction

General Assembly Resolution (60/251) establishing the Human Rights Council charges this body with the responsibility of “promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner” – this includes of course, the world’s young citizens: its children.

Upon the start of the Council’s 7th session however, there is still an urgent need to mainstream the rights of the child into the broader work of the Human Rights Council. Whilst the March 2007 special event on violence against children was a positive first step in addressing the rights of the child in the Council, there has been little progress past this point in making children’s rights a priority – a fact which is striking given that children make up one third of the world’s population.

Children around the world continue to be those most affected by poverty, conflict, discrimination and other social injustices. As noted in the UN Study on Violence Against Children, they are also frequent victims of violence – the forms of which are often invisible, and require cohesive and integrated responses from governments and the international human rights community. With the institutional building process of the Human Rights Council nearly behind us, the time for concrete action on the rights of the child is now.

A Commitment to Mainstreaming the Rights of the Child

¹ Child Rights Information Network (CRIN) also shares the views expressed in this statement.

² The aforementioned NGOs are members of the ‘NGO Working group on the Human Rights Council’ – a working group of the NGO Group for the Convention on the Rights of the Child.

We, NGOs have long been stressing the need to mainstream the rights of the child into the work of the Human Rights Council. There is currently no agenda item devoted to the rights of the child (as was the case in the former Commission) a fact that further underscores the need for integrating the rights of the child into all aspects of the Council's work.

The new **Universal Periodic Review** mechanism will be an important opportunity for this mainstreaming to take place: the rights of the child must be considered a key indicator when examining each State. We encourage all States to undertake a broad consultation process at the national level with all stakeholders in preparation for the UPR, including NGOs working on the rights of the child and children themselves. Further, we urge States to integrate the rights of the child in their reports submitted for review, their dialogue and discussion, as well as review and follow-up.

In the same vein, the rights of the child must also be integrated into the mandates of the Special Procedures. While there has been much focus on reviewing and rationalising the number of mandates, equal emphasis is needed calling for comprehensive analysis that identifies gaps in protection – including those affecting the rights of the child.

With these concerns in mind, we would ask the President of the Council to, where possible and appropriate, appoint Special Procedures mandate holders and to the Council to elect members of the Advisory Committee who possess a child rights background or child rights expertise. Similarly, we would encourage Member States to appoint *troika's* rapporteurs with child rights expertise.

Whilst we believe mainstreaming to be crucial in ensuring that the rights of the child are given adequate attention in the examination of each of the existing agenda items, we also support the need for them to be addressed as a specific item on the Council programme of work. This dual action would best allow the Council to adapt and respond to pressing child rights concerns as they arise. We would thus urge the Council to devote sufficient and adequate time, at least one full day meeting per year, to discuss the rights of the child and suggest that the first such meeting should take place in the first half of 2009. We also eagerly encourage the Council to incorporate into its programme of work an annual discussion on the integration of the rights of the child throughout its work and that of its mechanisms, including the evaluation of progress made and challenges experienced.

A commitment to mainstreaming the rights of the child ultimately requires the full and active participation of children themselves. Specifically, the right of the child to express his or her own views on matters affecting him or her is a right enshrined in the Convention on the Rights of the Child (article 12). The meaningful participation of children in the UN Study on Violence Against Children is perhaps a best case example and an ideal to be followed. We call on the Council to commit to facilitating child participation within its mechanisms and remain available to offer expertise and support in making this a reality.

Conceptualising a Resolution on the Rights of the Child

A resolution on the rights of the child is expected to be tabled during this 7th Session of the Human Rights Council. The intention itself reaffirms the commitment and obligations of the sponsors towards guaranteeing the rights of the child.

We call on Council members to consider the opportunity to adopt a resolution which is succinct, focused, thematic and above all – action-oriented.

This resolution is a commitment to ensuring that *child* rights are an essential component of the *human* rights agenda. In order to be effective, it must be linked to and must reinforce the most recent General Assembly Resolution on the Rights of the Child (A/62/141) which establishes the mandate for a Special Representative on Violence Against Children. Further, it is essential that this Special Representative work closely with the Human Rights Council to ensure full unity, avoid gaps and ensure that no aspect of children's rights is left unaddressed. We urge the Secretary General to take action in appointing this new representative so that this active collaboration may begin as soon as possible.

In an effort to harmonise and integrate the rights of the child into the human rights system, we support a closer collaboration between the Committee on the Rights of the Child and the Human Rights Council. Specifically, the Chair of the Committee should be invited to present a yearly oral report to the Council during the June session beginning in 2009, which would coincide well with the Committee's own sessions in Geneva. 2009 would also accord with the 20th anniversary celebrations of the coming into force of the Convention on the Rights of the Child.

This group of NGOs is willing and ready to continue its ongoing collaboration with members of the Human Rights Council to ensure children's rights are represented and respected.

The Way Forward

We have high hopes that the Human Rights Council will increasingly become a place where the rights of the child are reflected, improved, promoted and respected by and through all the human rights mechanisms established under the Human Rights Council.

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, which is now the only international treaty body which does not have an existing or draft communications procedure. This is a serious gap and matter of discrimination against children that weaken effective implementation of the CRC. As the main UN human rights instrument, the Human Rights Council should be convinced that such a procedure is necessary for children as rights-holders to challenge the violations of their rights and seek redress. It should therefore support and establish an open-ended working group of the Human Rights Council with a view to elaborate an optional protocol to the Convention on the Rights of the Child establishing a communications mechanism.

We call on members of the Human Rights Council to endorse an action-oriented resolution on the rights of the child which includes:

- A commitment to mainstream the rights of the child into all aspects of its programme of work – including holding a special event or panel discussion for this purpose in 2008;
- The establishment of an open-ended Working Group to elaborate an optional protocol to the Convention on the Rights of the Child establishing a communications mechanism;

- A strong call to the Secretary General to take action on the GA resolution (A/62/141) and to appoint without delay a Special Representative on Violence against Children and to report to the 8th session of the Human Rights Council on progress made;
- Inviting the Committee on the Rights of the Child to enhance its communication with the Human Rights Council, through the presentation of yearly oral reports;
- Facilitating active and effective child participation;
- Continuing a close collaboration with child rights NGOs;
- A commitment to a focused, thematic and action-oriented resolution for the future sessions.