



**Guide to**

**Children's Rights Mechanisms**

## **Guide to mechanisms for children's rights**

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<http://www.crin.org/resources/infoDetail.asp?ID=19952&flag=report>

The purpose of this guide is to help readers understand the 'mechanisms' working on child rights, such as different parts of the United Nations, or regional bodies like the African Union. The guide is not exhaustive, or perfect, and may be amended over time as new developments unravel. If you notice any inaccuracies, or have any other comments, we would like to hear from you. Please email:  
[info@crin.org](mailto:info@crin.org)

This guide includes links, so if you have access to the internet you can click on certain words or phrases which will take you to either the CRIN website, or other websites, where you can find out more.

**Please note:** Some of the links to the website for the Office of the UN High Commissioner for Human Rights (OHCHR) may not work. This is because the OHCHR website has changed, and the web addresses have not been updated. We are waiting for the new address to be finalised before updating this guide.

## **Our vision**

CRIN envisions a world in which every child enjoys all of the human rights promised by the United Nations, regional organisations, and national governments alike.

## **Mission**

Guided by our passion for social and legal change, CRIN is building a global network for children's rights. We press for rights, not charity, and advocate for a genuine systemic shift in how governments and societies view children.

Our inspiration is the United Nations Convention on the Rights of the Child (CRC), which we use to bring children's rights to the top of the international agenda. We launch advocacy campaigns, lead international children's rights coalitions, and strive to make existing human rights enforcement mechanisms accessible for all.

More than 2,200 organisations in 160 countries rely on CRIN's publications, research and information.

## **The values that guide our work**

- We believe that the only means of bringing long-term positive change to children's lives is through the strong and explicit promotion of their rights. We are not afraid to challenge harmful traditional beliefs and practices concerning children. We recognise this will often be controversial.
- We believe that information is a powerful tool, indeed a prerequisite, for effective advocacy in children's rights and that it must be freely available and widely disseminated.
- We believe that it is by working together with a broad range of actors committed to a similar vision that we will be most effective and influential.
- We believe that civil society, grass roots activists and children all have the right to participate and express themselves freely and openly in all matters affecting them

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# 1. International: United Nations

## The United Nations and Child Rights

### What is the United Nations?

The United Nations was formed on 24 October 1945 by 51 countries committed to preserving peace through international cooperation and collective security. Today, nearly every nation in the world belongs to the UN: membership totals 193 countries. When States become members of the United Nations, they agree to accept the obligations of the UN Charter, an international treaty that sets out basic principles of international relations. According to the Charter, the UN has four purposes:

- to maintain international peace and security;
- to develop friendly relations among nations;
- to cooperate in solving international problems and in promoting respect for human rights;
- and to be a centre for harmonising the actions of nations.

The United Nations is not a world government and it does not make laws. It does, however, provide the means to help resolve international conflicts and formulate policies on matters affecting all of us.

At the UN, all the Member States - large and small, rich and poor, with differing political views and social systems - have a voice and a

vote in this process. Although some voices are invariably louder, and more listened to, than others.

[Visit the United Nations website](#)

### What does it do?

The United Nations aims to help solve problems that challenge humanity, and so its diverse range of organisations do many different things. You can see a map of all the separate UN bodies [here](#). The UN and its family of organisations work to promote respect for human rights, protect the environment, fight disease and reduce poverty.

UN agencies define the standards for safe and efficient air travel and help improve telecommunications and enhance consumer protection. The United Nations leads the international campaigns against drug trafficking and terrorism. Throughout the world, the UN and its agencies assist refugees, set up programmes to clear landmines, help expand food production and lead the fight against AIDS.

### How is it structured?

The United Nations has six main organs. Five of them - the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council and the Secretariat - are based at UN Headquarters in New York. The sixth, the International Court of Justice, is located at The Hague in the Netherlands. The United Nations aims to help solve problems that challenge humanity. Cooperating in this effort are more than 30 affiliated organisations, known together as the UN system, which are related to, or managed by, the six main organs mentioned

above. For example, the Human Rights Council is a subsidiary body of the General Assembly.

[View a map of the UN system to understand better](#)

## **What work does it do on human rights?**

Through UN efforts, governments have concluded many multilateral agreements to make the world a safer, healthier place with greater opportunity and justice for all. It has produced a large body of international law, including human rights law, for example the Convention on the Rights of the Child.

The Universal Declaration of Human Rights, proclaimed by the General Assembly in 1948, sets out basic rights and freedoms to which all women and men are entitled — among them the right to life, liberty and nationality; to freedom of thought, conscience and religion; the right to work and to be educated; the right to food and housing; and the right to take part in government.

These rights are legally binding by virtue of two International Covenants, to which most States are parties. One Covenant deals with economic, social and cultural rights and the other with civil and political rights. Together with the Declaration, they constitute the International Bill of Human Rights.

The Declaration laid the groundwork for some 80 other Conventions and declarations on human rights, including the two International Covenants. Children's rights feature in a number of these Conventions and declarations as will be illustrated below.

With its standards-setting work nearly complete,

the UN is shifting the emphasis of its human rights efforts to the implementation of human rights laws. The High Commissioner for Human Rights, who coordinates UN human rights activities, works with governments to improve their observance of human rights, seeks to prevent violations, and works closely with the UN human rights mechanisms.

The UN Human Rights Council is an intergovernmental body. The Council holds public meetings to review the human rights performance of States, adopts new standards and promotes human rights around the world. The Council also appoints independent experts — "special rapporteurs" — to report on specific human rights abuses or to examine the human rights situation in specific countries. The Council holds three regular sessions each year (usually in March, June and September), where UN Member States discuss human rights issues. Furthermore, the Council holds Special Sessions from time to time, when an issue needs urgent attention.

### **Other areas with a human rights focus**

**Peacekeeping** - A number of UN peacekeeping operations have a human rights component. They help strengthen national capacities in human rights legislation, administration and education; investigate reported violations; and assist governments in taking corrective measures when needed.

**Development** - Promoting respect for human rights is increasingly central to UN development assistance. In particular, the right to development is seen as part of a dynamic process which integrates civil, cultural, economic, political and social rights, and by which the well-being of all individuals in a society is improved. Key to the enjoyment of the right to development is the

eradication of poverty, a major UN goal.

**Humanitarian Law / Tribunals** - Massive violations of humanitarian law during the fighting in the former Yugoslavia led the Security Council in 1993 to establish an international tribunal to try persons accused of war crimes in that conflict. In 1994, the Council set up a second tribunal to hear cases involving accusations of genocide in Rwanda. The tribunals have found several defendants guilty and sentenced them to prison. The Rwanda Tribunal in 1998 handed down the first-ever verdict by an international court on the crime of genocide, as well as the first-ever sentence for that crime. A key United Nations goal — an international mechanism to impose accountability in the face of mass violations of human rights — was realised in 1998 when governments agreed to establish an International Criminal Court. The Court provides a means for punishing perpetrators of genocide and other crimes against humanity.

The UN has also contributed to the elaboration of conventions relating to international humanitarian law, such as the 1948 Convention on Genocide and the 1980 Inhumane Weapons Convention (concerning weapons which are excessively injurious or have indiscriminate effects).

## **What work does it do on child rights? How can NGOs use the mechanisms?**

### **1. Treaty Bodies: the work of the UN Committee on the Rights of the Child**

As part of the UN's work on human rights, the field of child rights is becoming an increasingly integral element of the organisation's work following the adoption by the UN General Assembly of the Convention on the Rights of the

Child. The **Committee on the Rights of the Child** (CRC) is a treaty body made up of Independent Experts that monitors implementation of the Convention on the Rights of the Child by its State parties (i.e by those who ratified it). It also monitors implementation of two Optional Protocols to the Convention, on involvement of children in armed conflict and on sale of children, child prostitution and child pornography, and will examine complaints under the communications procedure adopted at the 66<sup>th</sup> session of the General Assembly once the Optional Protocol providing for this mechanism enters into force.

Day of General Discussion: Once a year, at its September session, the Committee holds a Day of General Discussion (DGD) on a provision of the Convention on the Rights of the Child in order to issue more detailed recommendations to governments.

### **2. The UN General Assembly**

The General Assembly is one of the six principal organs of the United Nations, and is the main deliberative organ. Comprising all 193 Members of the United Nations, it provides a forum for discussion and has been called the closest thing to a world parliament. Once a year, the CRC Committee submits a report to the Third Committee of the UN General Assembly, hears a statement from the CRC Chair and the GA adopts a Resolution on the Rights of the Child.

### **Further reports to the GA**

The Special Representative of the Secretary-General on Children and Armed Conflict and the Special Representative on Violence against Children report to the General Assembly once a



year. [More here.](#)

### **3. The UN Human Rights Council**

In June 2006, the Human Rights Council replaced the [Commission on Human Rights](#) as the main UN body in charge of monitoring and protecting fundamental rights and freedoms. The Council holds three regular sessions per year (each lasting four weeks), where the broad range of human rights issues are discussed and debated. (Read more about the [Commission on Human Rights and child rights](#))

There are a number of avenues in which to promote children's rights in the Council, including:

#### **Special Procedures**

Although the tasks given to Special Procedure mechanisms vary, their role is to examine, monitor, advise, and publicly report on human rights situations in specific countries or territories (called country mandates, eg Independent expert on the situation of human rights in Burundi), or on major themes (called thematic mandates e.g. Special Rapporteur on trafficking in persons, especially in women and children)

**Universal Periodic Review (UPR)** The UPR is a mechanism under which the Human Rights Council examines the human rights situation in every Member State of the UN. Each State will be examined once every four and a half years.

### **4. The UN Security Council**

The work of the Security Council on child rights focuses on children in armed conflict. More details about this [here](#). The Security Council may refer a case to the **International Criminal Court**, even though the ICC is technically

independent from the UN. [More here.](#)

[Visit CRIN's page on children's rights and the UN Security Council.](#)

### **5. Other organisations working on children**

The **United Nations Children's Fund (UNICEF)** is explicitly concerned with promoting and protecting the rights of the child. The UN Children's Fund (UNICEF) is the lead UN organisation working for the long-term survival, protection and development of children. In some 150 countries, UNICEF's programmes focus on immunisation, primary health care, nutrition and basic education. (website: [www.unicef.org](http://www.unicef.org))

The **World Health Organisation (WHO)** is concerned with children's right to health (website: [www.who.org](http://www.who.org)).

The **International Labour Organisation (ILO)** formulated [ILO Convention No. 182 on the Worst Forms of Child Labour](#) and [ILO Convention No. 138 on the Minimum Age for Admission to Employment and Work](#).

#### **Other UN organisations**

Amongst other UN organisations whose work directly affects children, the following are all examples of bodies which protect and further children's rights: The Food and Agriculture Organisation (FAO), the Joint United Nations Programme on HIV and AIDS (UNAIDS), the International Monetary Fund (IMF), The Educational, Scientific and Cultural Organisation (UNESCO), the United Nations Development Fund for Women (UNIFEM) and the United Nations Population Fund (UNFPA).

## How to submit complaints to the UN

There are a number of ways that individuals, including children or adults acting on their behalf, can make use of mechanisms of the UN to challenge breaches of their rights. Complaints can be submitted to the Treaty bodies, Special Procedures and the Human Rights Council.

### Treaty Bodies

There are number of Committees that will receive complaints from individuals, groups or their representatives (including children) who claim that their rights have been violated by a State that is a party to a convention or covenant provided that the State has recognised the competence of the committee to receive such complaints.

Existing ones:

[http://www.crin.org/law/CRC\\_complaints/#info](http://www.crin.org/law/CRC_complaints/#info)

How to complain:

<http://www2.ohchr.org/english/bodies/petitions/individual.htm>

**Special Procedures** The process, in general, involves sending a letter to the concerned Government requesting information and comments on the allegation and, where necessary, asking that preventive or investigatory action be taken. There is a minimum of information that must be provided before a decision is made as to whether or not to follow up on a request. For details go [here](#):

**Human Rights Council** On 18 June 2007, the Human Rights Council adopted the present text entitled "UN Human Rights Council: Institution Building" (resolution 5/1) by which a new Complaint Procedure is being established to address consistent patterns of gross and reliably attested violations of all human rights and all

fundamental freedoms occurring in any part of the world and under any circumstances.

## UN General Assembly

### What is the UN General Assembly?

The General Assembly was set up in 1945 under the Charter of the United Nations. It is one of the six principal organs of the United Nations, and is the main deliberative organ. Comprising all Members of the United Nations, it provides a forum for discussion and has been called the closest thing to a world parliament.

The presidency changes every session.

### What does it do?

The functions and powers of the General Assembly are set out in the United Nations Charter. The main functions are:

- To consider and make recommendations on maintaining international peace and security,
- To discuss any question relating to international peace and security and, except where a dispute or situation is currently being discussed by the Security Council, to make recommendations on it;
- To discuss, with the same exception, and make recommendations on any questions within the scope of the Charter or affecting the powers and functions of any organ of the United Nations;
- To initiate studies and make recommendations to promote international political cooperation, the development of

international law, the realisation of human rights and fundamental freedoms and international collaboration in the economic, social, humanitarian, cultural, educational and health fields;

- To make recommendations for the peaceful settlement of any situation that might impair friendly relations among nations;
- To receive and consider reports from the Security Council and other United Nations organs;
- To consider and approve the United Nations budget and establish the financial assessments of Member States;
- To elect the non-permanent members of the Security Council and the members of other United Nations councils and organs and, on the recommendation of the Security Council, to appoint the Secretary-General.

The work of the United Nations derives largely from the decisions of the General Assembly.

### **What has it got to do with child rights?**

The work of the United Nations originates at the General Assembly. On 20 November 1989, the governments represented at the General Assembly agreed to adopt the **United Nations Convention on the Rights of the Child** (CRC) into international law. It came into force in September 1990 and was ratified more quickly and by more governments (all except Somalia and the US) than any other human rights instrument.

Two Optional Protocols to the Convention on the

Rights of the Child were also adopted: The **Optional Protocol on the sale of children, child prostitution and child pornography**, dated 18 January 2002 (A/RES/54/263, dated 25 May 2000) and the **Optional Protocol on the involvement of children in armed conflict** adopted (A/RES/54/263, dated 25 May 2000).

The new Optional Protocol establishing a communications procedure under the CRC and its two substantive Optional Protocols will be adopted by the General Assembly in its 66<sup>th</sup> session.

The GA has adopted **other Conventions** incorporating child rights. Examples include, most recently, in December 2006, the **Convention on the Rights of Persons with Disabilities**. Article 7 refers specifically to children with disabilities. The **Convention on the Elimination of All Forms of Discrimination Against Women** also explicitly takes into account the rights of children in a number of provisions.

In order to follow up and monitor the implementation of the CRC, once a year the General Assembly adopts resolutions on ways to meet CRC's objectives. To make those Resolutions, the GA pursues recommendations and conclusions made by the **Committee on the Rights of the Child**.

The **Human Rights Council**, which was created as a result of a General Assembly resolution, and acts as a subsidiary body of the GA, also submits reports to the GA. The GA then adopts an **omnibus resolution** from the reports submitted by both the Human Rights Council and the Committee on the Rights of the Child. Read the **2006 GA Resolution on the Rights of the Child**.

From 8 to 10 May 2002, more than 7,000 people participated in one of the most important international conferences on children, the **Special Session of the UN General Assembly on Children**, at which the nations of the world committed themselves to a series of goals to improve the situation of children and young people.

Read CRIN's introduction to the [UN General Assembly Special Session on Children](#)

The event resulted in an outcome document called [A World Fit for Children](#).

Read the child-friendly version [here](#)

Read UNICEF's [suggestions for implementing the Session's findings](#)

Read about the [NGO follow-up to the Special Session on Children](#)

An event was held in New York from 11 - 12 December 2007 to evaluate progress in implementing the action plan set out in 'A World Fit For Children.' [Find out more](#)

The **General Assembly president** may make statements on children. For example, [orphaned children](#)

In November 2001 the UN General Assembly requested the Secretary-General to conduct an in-depth study on violence against children. This request followed a recommendation for such a study from the Committee on the Rights of the Child. The **UN Study on Violence Against Children** was conducted by independent expert [Professor Paulo Pinheiro](#). On 11 October 2006, the UN General Assembly considered the study's

findings and recommendations, and in November 2006 adopted resolution [A/C.3/61/L.16](#) on the Rights of the Child, submitted to the Third Committee.

The violence study was modelled on the groundbreaking 1996 **Study on Children and Armed Conflict** conducted by Mrs. Graça Machel. And in On 22 December 2003, the General Assembly requested the Secretary-General to conduct an in-depth [study on all forms of violence against women](#).

The mandates of **Special Representatives and Independent Experts** (*what are these?*) may be established by the General Assembly – and they make statements to the GA and submit reports. For example, read the [Statement to the General Assembly Third Committee by Ms. Coomaraswamy, Special Representative of the Secretary-General for Children and Armed Conflicts](#)

## How does it work?

Each Member State of the United Nations has one seat in the General Assembly, and each also has one vote. The current UN membership is available [here](#).

Most General Assembly resolutions, while symbolic of the sense of the international community, are not legally enforceable (binding). However, in some areas, such as the United Nations budget, the General Assembly does have authority to make final decisions.

The General Assembly meets in regular, special (eg the Special Session on children) and emergency special sessions. [Special](#) and

emergency special sessions may be convened only in accordance with the Rules of Procedure of the General Assembly (Document symbol A/520/Rev.16). The regular session commences in September, suspends its work in late December and reconvenes as required in the following year.

The work of the General Assembly is conducted in the plenary (what does this word mean?) and the six main committees. The official languages of the General Assembly are Arabic, Chinese, English, French, Russian and Spanish. More information about the General Assembly and its documentation as well as the main committees can be found at:

<http://www.un.org/Depts/dhl/resguide/gasess.htm>.

Read about the Programme of the GA, the Agenda and the rules of procedure

Webcasts of GA meetings are available here

Voting in the General Assembly on important questions – recommendations on peace and security; election of members to organs; admission, suspension, and expulsion of members; budgetary matters – is by a two-thirds majority of those present and voting. Other questions are decided by majority vote.

## **Who reports to the GA?**

Aside from his annual report on the work of the Organisation (e.g., A/61/1), the **Secretary-General** reports to the Assembly on many issues called for by resolutions.

A number of subsidiary bodies e.g. Committee on the Rights of the Child, Human Rights Committee, Committee on the Elimination of

Discrimination against Women) are required to report annually (sometimes biannually) on their activities.

The reports often contain resolutions/decisions adopted by the subsidiary body and may, in some instances, forward draft resolutions or decisions which are being recommended to the Assembly for adoption. The full text of recent reports can be retrieved through UNBISnet as well as the Official Document System of the United Nations (ODS). From the 55th session onwards, the full text is also posted at the UN Documentation Centre.

There are six main committees of the General Assembly, and each submit a separate report to the plenary on every agenda item allocated to them: the **First Committee** reports on disarmament and international security; the **Second Committee** on economic and financial matters; the **Third Committee** on social, humanitarian and cultural matters; the **Fourth Committee** on political and decolonisation matters; the **Fifth Committee** on administrative and budgetary matters; and the **Sixth Committee** reports on legal matters.

## **Where can I find GA resolutions?**

The full text of resolutions (1946 onwards) can be retrieved through UNBISnet, the Official Document System of the United Nations (ODS) and is also posted at:

<http://www.un.org/documents/resga.htm>.

Background information about resolutions adopted by the General Assembly and access to them can be found at:

<http://www.un.org/Depts/dhl/resguide/gares.htm>.

# Children's Rights and the UN Security Council

## What is the Security Council?

The Security Council's main role under the UN Charter is to help maintain international peace and security.

When the Council receives a complaint, it will usually recommend in the first instance that the parties try to settle the dispute peacefully.

In some cases, the Council itself investigates the situation and mediates between the two parties. It may also appoint "Special Representatives" to address the situation or request the Secretary-General to do so.

[Full list of functions and powers](#)

## Members of the Security Council

The Council has five permanent members: [China](#), [France](#), [Russian Federation](#), [the United Kingdom](#) and [the United States](#)

It has another ten non-permanent members who are elected by the General Assembly for a term of two years.

## How does the Security Council make decisions?

Each Council member has one vote. Decisions on procedural matters are made by an affirmative vote of at least nine of the 15 members.

Decisions on substantive matters require nine votes, including agreement by all five permanent members. This need for all five permanent members to agree on any action by the Security Council is referred to as the "veto" power.

This rule has come under increasing scrutiny in recent years and is part of discussions to reform the Council. Read more about the negotiations to reform the Council on the website

<http://www.reformtheun.org/>

## Children's rights and the Security Council

The Council began to pay attention to the issue of children and armed conflict when it realised that the use of children in armed conflict had serious consequences for peace and stability.

Since 1999, the Council has strengthened its focus on children and armed conflict and has passed a number of specific resolutions on the issue.

The **Resolutions** of the Security Council addressing children and armed conflict are: [1261 \(1999\)](#), [1314 \(2000\)](#), [1379 \(2001\)](#), [1460 \(2003\)](#), [1539 \(2004\)](#), [1612 \(2005\)](#), [1882 \(2009\)](#) and [1998 \(2011\)](#)

## How does the Security Council monitor violations of the rights of children who are affected by armed conflict?

The Security Council passed [Resolution 1612](#) in 2005, which called for the creation of the Working Group on Children and Armed Conflict, as well as the creation of a monitoring and reporting mechanism on six grave violations of children's rights:

- Killing or maiming of children;
- Recruiting or using child soldiers;
- Attacks against schools or hospitals;
- Rape and other grave sexual violence

- against children;
- Abduction of children;
- Denial of humanitarian access for children.

**What are ‘Annex I’ and ‘Annex II’ that are often mentioned in relation to the Security Council’s work on children and armed conflict?**

Annex I and Annex II are “naming and shaming” lists of parties who violate international standards on children and armed conflict. Each year, an updated version of the countries listed in the two Annexes is included in the UN Secretary General’s annual report.

Annex I lists parties on the agenda of the Council and Annex II lists the parties that are not on the Council agenda but where there are also concerns about children and armed conflict .

**Does the Security Council have anyone working specifically on the issue of children and armed conflict?**

*The Office of the Special Representative of the Secretary-General for Children and Armed Conflict*

In 1996, Ms. Graça Machel, an independent expert appointed by the Secretary-General, submitted her report to the General Assembly entitled Impact of Armed Conflict on Children (A/51/306).

The report led to the adoption by the General Assembly of resolution 51/77 of 12 December 1996, establishing the mandate of the Special Representative of the Secretary-General for

Children and Armed Conflict for a period of three years. The Assembly has since extended this mandate four times and most recently by its resolution A/RES/63/241 of 24 December 2008. [Read more](#)

*The Working Group on Children and Armed Conflict*

The Working Group works with the Council to:

- review the reports of the Council’s monitoring and reporting mechanism.
- look at progress made in developing and implementing action plans by groups named in the Secretary General’s lists to stop recruitment and use of children in armed conflict.
- make recommendations on measures to promote the protection of children affected by armed conflict.
- consider country reports.

Download the reports of the activities of the SCWG of [2007](#), [2008](#), [2009](#), [2010](#) and [2011](#).

**What are some of the internal challenges which the Security Council faces in protecting children in situations of armed conflict?**

A [2006 Security Council report](#) reveals some of the challenges it faces in taking action on children and armed conflict:

**France** has led on the protection of children and armed conflict within the Security Council, but the other four permanent members have sometimes shown reluctance in acting on this

issue. Below are some of the political concerns of Other issues that divide Security Council members on the issue of children and armed different countries and regions: conflict include whether there should be one or

**China and Russia** have expressed concern that thematic issues such as children and armed conflict provide another route for issues which are not on the Council's agenda to be pushed onto its formal agenda. conflict. involved in recruiting and using children in armed

**China** is concerned about the number of situations that the Security Council is dealing with on its formal agenda.

**UK and Russia:** The UK expressed concern about the mention of Northern Ireland and Russia about the reference to Chechnya in the Secretary-General's 2003 report. They were included because there were groups involved in recruiting and using children in armed conflict. However, the UK and Russia argued that these were not situations of armed conflict. As a result of these protests, corrections were issued and references to Northern Ireland and Chechnya were dropped.

**U.S.:** The U.S. argues that the Security Council should be a place for action and its role is to address specific situations. The U.S. wants to see results before the body's mandate is expanded.

**South America:** In the past, certain South American countries have been strongly lobbied by Colombia, which often appears in Annex II. They have therefore not always been supportive of initiatives involving armed conflicts listed in Annex II.

**Africa:** Some African members countries, for example, Tanzania and Benin, have criticised the fact that most of the countries listed in Annex 1 are African countries.

## United Nations Human Rights Council

### Introduction

In June 2006, the Human Rights Council replaced the Commission on Human Rights as the main UN body in charge of monitoring and protecting fundamental rights and freedoms.

The Human Rights Council (HRC) was created on 15th March 2006 with the almost unanimous adoption of General Assembly Resolution A/Res/60/251. It held its first session on 19-30 June 2006. The Commission on Human Rights was formally abolished on 16 June 2006.

The Human Rights Council was established with the hope that it could be more objective, credible and efficient in denouncing human rights violations worldwide than the highly politicised Commission on Human Rights.

See below for information on the Human Rights Council and background information on the transition from the Commission on Human Rights to the Human Rights Council, as well as on the involvement of child rights NGOs in the work of the Council.

The HRC holds three regular sessions are held at the Council each year (March, June, September). Special sessions are called on an ad hoc basis.



## The Human Rights Council Review 2011

On 25 March 2011, the Human Rights Council adopted a text on the review of the work and functioning of the Council. The agreed text has been passed to the General Assembly, the Council's parent body, to be endorsed.

Key changes include:

UPR:

1. The period between reviews has lengthened from 4 to 4.5 years
2. The Working Group reviews have been extended to 3.5 hours.
3. A separate section in the Stakeholder compilation report will be attributed to the national human rights institution of the State under review.

Special Procedures:

The selection process for Special Procedure mandate holders will be adjusted, requiring nominated candidates to submit a motivation letter.

### Methods of Work and Rules of Procedure:

The Council shall explore the feasibility of the use of information technology, such as videoconferencing or video messaging, in order to enhance access and participation for all stakeholders

Read more about the changes [here](#).

## Council Structure

Key changes from the Commission on Human Rights include:

- **Membership:** the number of members is down from 53 to 47 and members are elected by an absolute majority; candidates are elected based on their human rights commitment; members cannot serve more than two consecutive terms.
- **Accountability:** a new provision gives the General Assembly the ability, through a two-thirds majority vote, to suspend the membership of a Council member that commits gross and systematic violations of human rights. In addition, all UN Member States, starting with members of the Council themselves, have had their human rights records examined through the Universal Periodic Review mechanism.
- **Sessions:** the Council holds three sessions per year (10 weeks), with the ability to hold special sessions upon request of a Council member with support of one-third of the Council
- **Status:** the Council is a subsidiary body of the General Assembly and thus has a higher institutional standing than the Commission.

The Commission on Human Rights held its last meeting in a three-hour session on 27th March 2006, and adopted a Resolution to transfer all its work to the Human Rights Council. Read the [NGO Statement to the Last Session of the Commission on Human Rights](#) (269 NGOs including CRIN).

On 9th May, the 47 members of the Human Rights Council were elected. The United States, which voted against the Human Rights Council Resolution, did not submit their candidacy, unhappy with the fact that the new membership modalities still allow human rights abusers to be elected to the Council. See <http://www2.ohchr.org/english/bodies/hrcouncil/membership.htm>.

A series of open-ended informal consultations followed, with Permanent Missions in Geneva, UN bodies, specialised agencies, intergovernmental and non-governmental organisations to discuss the modalities of the first HRC session.

To find information on past sessions, visit CRIN's [news page on the Human Rights Council](#)

### **Documents relating to the creation of the Human Rights Council**

- [GA Resolution 60/251 establishing the Human Rights Council](#) (April 2006)
- [2005 World Summit Outcome](#) (October 2005)
- [Secretary General's report "In Larger Freedom"](#) (March 2005)
- [Report of the High-Level Panel on Threats, Challenges and Change](#) (December 2004)

### **NGO commentaries on the Human Rights Council**

- [Human Rights Council: No More Business as Usual](#), by Human Rights Watch
- [A New Chapter for Human Rights: a](#)

[Handbook on issues of transition from the Commission on Human Rights to the Human Rights Council](#), by ISHR

### **Children's Rights at the HRC**

There are a number of avenues in which to promote children's rights in the HRC as will be explored throughout this document.

The NGO Group for the Convention on the Rights of the Child supports a number of thematic working groups. A working group for the HRC has been active for a number of years. The aim of this working group is to mainstream children's rights in all the work of the Human Rights Council. There are many ways to contribute to the work of this group; find out more about participating here:

<http://www.childrightsnet.org/NGOGroup/childrightsissues/HumanRightsCouncil/>, alternatively, you can sign up to CRIN's monthly email newsletter on the work of the HRC here: <http://www.crin.org/email/subscribe.asp>

### **The Universal Periodic Review**

The Universal Periodic Review (UPR) is a mechanism under which the Human Rights Council will examine the human rights situation in every Member State of the UN. Each State will be examined once every four and a half years.

The UPR mechanism was set up largely due to the heavy criticisms against the Commission on Human Rights, which was accused of being selective and partial.

The UPR represents an excellent opportunity for making children's rights central to the work of the Council. It is therefore crucial that children's

rights NGOs and advocates rise to the challenge.

CRIN has undertaken an analysis of the extent to which children's rights are addressed in the UPR to date, and interviewed children's rights organisations to gauge their experiences of using the mechanism.

- [Read CRIN's report: "The Status of Children's Rights in the UPR"](#)
- [Read about NGOs experiences of using the UPR](#)
- [Read CRIN's country by country reports on children's rights references in the UPR](#)
- [Click here for further information on the UPR and how it works](#)

## Special Procedures

These are a way for the [Human Rights Council](#) (as well as the public) to find out about human rights situations. They are the name given to '[mechanisms](#)' created by the Commission on Human Rights (now the Human Rights Council) to address human rights situations in specific countries, or to address specific human rights themes e.g., the right to education.

Although the tasks given to Special Procedure mechanisms vary, their role is to examine, monitor, advise, and publicly report on human rights situations in specific countries or territories (called country mandates, e.g. Independent expert on the situation of human rights in Burundi), or on major themes (called thematic mandates e.g. Special Rapporteur on trafficking in persons, especially in women and children).

*Specific information:*

- [Click here](#) for a list of upcoming Special Procedure visits
- [Click here](#) for a list of Special Procedure visits conducted in 2010
- [Click here](#) for children's rights extracts from Special Procedure reports
- [Click here](#) for further information on Special Procedures

## Information for NGO participation

Pursuant to Resolution 60/251, the participation of NGOs in the Human Rights Council is based on that observed by the Commission on Human Rights, including Economic and Social Council Resolution [1996/31](#).

### Accreditations

NGOs in consultative status with ECOSOC wishing to accredit representatives can send requests to the Secretariat of the Council. Check information for each session.

### NGO written statements

As under the Commission on Human Rights, NGOs in consultative status with ECOSOC will be able to submit written statements relevant to the work of the Human Rights Council (in accordance with paragraphs 36 and 37 of ECOSOC resolution [1996/31](#)). Check information on each session.

### NGO parallel events

As with the Commission on Human Rights, NGOs can organise parallel events of relevance to the work of the Human Rights Council.

# Children's Rights and the Universal Periodic Review (UPR)

**other relevant stakeholders, including NGOs and National Human Rights Institutions (NHRIs).** This summary must not exceed **10 pages**.

**Please note:** The UPR is an open and public process which does NOT allow for submission of confidential information by NGOs. NGOs are therefore encouraged to make an assessment of possible risks before deciding to submit any information.

## What is the UPR?

The **Universal Periodic Review (UPR)** is a mechanism under which the Human Rights Council **examines the human rights situation in every Member State of the UN.** Each State will be examined once every four and a half years.

## How does it work?

The UPR is an inter-governmental process whereby the human rights records of a given country is reviewed by other countries (and not by a group of independent experts like the Committee on the Rights of the Child).

The Council reviews the human rights records of States based on the following evidence:

- Information **provided by the State** under review. This can be presented written or orally, provided that in written form it does not exceed **20 pages**.
- A compilation of relevant **information from the UN human rights system**, including reports of treaty bodies and Special Procedures. This document is limited to **10 pages**.
- A summary of information provided by

The UPR is **conducted in one working group composed of all 47 member States** of the Human Rights Council. The working group will allocate **three hours** to the consideration of each State, and **half an hour to the adoption of a report** on that State.

The report may include conclusions, recommendations, and voluntary commitments made by the State. **The reports are then adopted by the plenary of the Human Rights Council.** NGOs may attend the review by the working group, but it is unlikely that they will be allowed to participate in the dialogue. However, **NGOs are able to make general comments** before the adoption of reports by the **plenary** of the Human Rights Council.

Outcome reports include **two sets of recommendations:** the ones that enjoy the support of the State reviewed, and those which do not (accompanied by comments from the State concerned)

A group of **three rapporteurs**, (called a *Troika\**) are selected by drawing lots among the members of the Council. They will **facilitate each review**, including the **preparation of the report of the working group**. The Office of the High Commissioner for Human Rights (OHCHR) provides the necessary assistance and expertise to

the rapporteurs. (Institution Building package 5/1 paragraph 18(d))

\*A 'troika' simply means a group of three.

### **About Troikas:**

- They are made up of representatives of member States
- They are made up of member State representatives from different regional groups
- There are 48 different troikas each year – one for every State under review
- While the majority of member States have representatives on three (3) Troikas, due to numbers, three have representatives on four Troikas.

### **Concerns about Troikas:**

During the 6th session, delegates pointed out some important shortcomings of the model included in the institution-building package:

- It was possible to replace a rapporteur at the request of the country under review.
- Members of a Troika can refuse to participate in a particular review process.

### **How can child rights NGOs and advocates get involved?**

The UPR represents an opportunity for NGOs to ensure children's rights are central to the work of the Human Rights Council. They can do this:

#### **By consulting with the State as it prepares information**

Human Rights Council Resolution 5/1

encourages States to prepare the information they provide under the UPR **through a broad consultation process at the national level with all relevant stakeholders.**

The State may choose to deliver the information orally or in writing. Both State reports (where they exist) and the OHCHR summaries of other information **must be received by the Secretariat six weeks before the UPR.**

#### **By preparing and submitting information themselves**

In addition to contributing to the preparation of State information, **NGOs can submit their own information and reports to the Office of the High Commissioner for Human Rights (OHCHR).** NGOs do not have to be ECOSOC accredited, but the OHCHR would *preferably like* information to be submitted in *conjunction* with ECOSOC accredited NGOs.

The **OHCHR will compile information** received from NGOs, National Human Rights Institutions (NHRIs) and other stakeholders **into a 10-page summary.** It is therefore important that NGOs and NHRIs clearly identify the principle issues they want the Human Rights Council to raise with States. This can be done either by preparing short submissions specifically for the UPR, or by providing short summaries with the original reports included in an annex.

#### **Guidelines for submissions**

The OHCHR Civil Society Unit has produced detailed guidelines for the preparation and submission of information by relevant stakeholders to the Universal Periodic Review.

They can be found here:

<http://crin.org/resources/infoDetail.asp?ID=15320>

In summary, the OHCHR's guidelines are as follows:

- Page Limit: NGOs are strongly encouraged to limit their submissions to a **5-page document**, to which a more detailed and factual report may be attached for reference.
- Focus: The document should **highlight the main issues** of concern and suggest priorities. Facts and details to support the priorities, as well as possible recommendations to be made to the country under review, may be annexed for reference to the submission.
- Time Period: The information provided should only cover the **previous four (4 1/2) years**, because of the UPR's four-and-a-half year periodicity.
- Deadline: Information for submission and possible inclusion in the OHCHR's summary should be emailed to [UPRsubmissions@ohchr.org](mailto:UPRsubmissions@ohchr.org). Consult the CRIN website (<http://crin.org/chr/news/>) or sign up to CRIN's Human Rights Council CRINMAILs (<http://crin.org/email/subscribe.asp>) for deadlines.
- Language: The submissions must be written in any official UN language, although ideally **English, French or Spanish**.

The OHCHR has emphasised that the 5-page document is extremely important and should

clearly list all the issues that NGOs want to raise.

The longer document that can be attached will not receive as much importance. Also, there is a sense that the OHCHR is expecting, and really values, information from NGOs. In fact, this information will largely shape/lead the whole report.

## Follow-up to the Review

The working group adopts a report, made up of two sets of recommendations: the ones that enjoy the support of the State reviewed and those which do not. The final outcome will in turn be adopted by the plenary of the Council, and contain a summary of the process, conclusions and/or recommendations, and the voluntary commitments of the State concerned.

NGOs can be directly involved in the follow-up to the Review. They can help the State to address the recommendations, and collaborate with national human rights organisations, such as NHRIs, Parliament, civil society, academia, media, etc. It is expected to be harder to advocate for the implementation of those recommendations that do not have State support.

In particular, child rights NGOs can make sure children are an integral part of the national agenda following the Review.

They can distribute the Review report nationally, draw attention to child rights issues and draw up an action plan or strategy to help with implementation. They can also monitor the implementation of the UPR recommendations

NGOs are encouraged to distribute these guidelines and raise awareness of child rights in the UPR.

## Children's Rights and the UN Special Procedures

Since follow-up to recommendations made by treaty bodies, including the Committee on the Rights of the Child (and the Commission for Human Rights, the body replaced by the Human Rights Council), can be slow and inadequate, **it is once again crucial that children's rights NGOs play their part in the implementation process.**

### Further information

Read the full Institution Building Package for the UPR [here](#).

Find the full guidelines for NGO submissions, produced by the OHCHR Civil Society Unit, [here](#).

### Other resources

International Service for Human Rights (ISHR) position paper on the UPR (March 2007)  
[http://www.ishr.ch/lca/positionpapers\\_wg/ISHR\\_pp\\_upr\\_march07.pdf](http://www.ishr.ch/lca/positionpapers_wg/ISHR_pp_upr_march07.pdf)

ISHR Human Rights Council daily updates:  
<http://www.ishr.ch/hrm/council/>

OHCHR page on the Universal Periodic Review:  
<http://www2.ohchr.org/english/bodies/hrcouncil/upr/index.htm>

Conference of NGOs in consultative relationship with the UN (CONGO): News by session and by issue: <http://www.ngocongo.org/index.php?what=news&g=16>

UN FAQs on the Human Rights Council:  
[http://www.un.org/News/dh/infocus/hr\\_council/hr\\_q\\_and\\_a.htm](http://www.un.org/News/dh/infocus/hr_council/hr_q_and_a.htm)

### What are Special Procedures?

Special Procedures are a way for the Human Rights Council (as well as the public) to find out about human rights situations. They are the name given to 'mechanisms' created by the Commission on Human Rights (now the Human Rights Council) to address human rights situations in specific countries, or to address specific human rights themes e.g., the right to education.

Usually, Special Procedures are actually individual people, or groups of people (called Working Groups). If they are individuals, they may be called a Special Rapporteur, a Special Representative or an Independent Expert.

### What do they do?

Although the tasks given to Special Procedure mechanisms vary, their role is to examine, monitor, advise, and publicly report on human rights situations in specific countries or territories (called **country mandates**, e.g. Independent expert on the situation of human rights in Burundi), or on major themes (called **thematic mandates** eg Special Rapporteur on trafficking in persons, especially in women and children).

The work of Special Procedures may vary: They could conduct studies, provide advice on technical matters, reply to individual complaints, and help promote human rights in their specialist area.

Special Procedures receive information on specific allegations of human rights violations and send urgent appeals or letters of allegation to governments asking for more information. In

2006, more than 1,100 communications were sent to Governments in 143 countries. For those Special Procedures relating to children, go [here](#).

Special Procedures carry out country visits after gaining permission by the country concerned, although they may not need this if the country has issued an open invitation (called a "standing invitation"), which means it will always welcome Special Procedures. As of May 2007, 56 countries had extended standing invitations to the Special Procedures. After their visits, they then write a report about the visit, making recommendations.

Each year, all Special Procedures have to present a report to the Human Rights Council where they describe their activities over the previous year.

The presentation of these reports is divided up between the Council's three annual sessions.

Read the reports. Sometimes Special Procedures may report straight to the General Assembly. The Human Rights Council is currently reviewing the working methods of the Special Procedures. Read about the global petition in support of the Special Procedures.

In order to preserve their independence Special Procedures do not receive pay for their work

## **How are they appointed?**

Special Procedures are currently appointed on an ad hoc basis by a Human Rights Council resolution, when the need arises. They will be appointed by the Chairperson of the Human Rights Council after consultation with the five regional groups, which consist of Member States of the Council.

However, under a request from the United

Nations General Assembly, this is currently being reviewed and the Council has established an open-ended intergovernmental working group to review and improve the system. In the words of the Office of the United Nations High Commissioner for Human Rights, this includes all "mandates, mechanisms, functions and responsibilities in order to maintain a system of special procedures, expert advice and a complaint procedure, in conformity with General Assembly resolution 60/251, through open-ended, intersessional, transparent, well scheduled and inclusive consultations, with the participation of all stakeholders".

## **What is the difference between the various types?**

There is some confusion concerning the difference between individuals who are Special Procedures. Officially, the different titles of Independent Expert, Special Rapporteur and Special Representative do not reflect a hierarchy, and no one position is more powerful than the other.

However, many consider Special Representatives to be the most influential since they report directly to the General Assembly and Secretary-General of the United Nations. This is one of the reasons why the International Call for Action to End Violence Against Children called for a Special Representative on children and violence to be established, rather than an Independent Expert or Special Rapporteur (see further down).

According to the UN, different titles are simply the result of 'political negotiations'. The different titles are explained in more detail below:

- **Independent experts:** There are in fact



two types of Independent Experts. Independent Experts may be appointed by the UN Secretary-General to undertake a specific task. For instance, the Study on Violence Against Children, for which Kofi Annan appointed [Paulo Sergio Pinheiro](#) as Independent Expert. The nature of their ‘independence’ means that they are not representing the views or opinions of the UN or any government, but are meant to present an objective view of a given situation.

Special Procedures may have a thematic or country mandate. [See the current list.](#)

- **Special Rapporteur:** Special Rapporteur is not a title used exclusively by the United Nations, for example there are also Special Rapporteurs for the African Union. But they are all concerned with monitoring and investigating human rights. You can see a [list of United Nations Special Rapporteurs, including 17 frequently asked questions about them.](#) Read the [latest reports of the Special Rapporteurs](#) relevant to children

- **Special Representative:** The representatives of the Secretary-General and some independent experts are selected by the United Nations Secretary-General upon the recommendation of the High Commissioner for Human Rights. Examples related to children's rights include the [Special Representative for Children and Armed Conflict](#) and the [Special Representative on Violence against Children](#). Special Representatives are often thought to be the most senior of the Special Procedures, although the UN

denies the existence of a hierarchy. They report directly to the General Assembly and Secretary General of the United Nations, and may also have a country or thematic mandate.

- **Working Groups:** These groups are usually comprised of five experts, one from each of the five United Nations regional groupings: Africa, Asia, Latin America and the Caribbean, Eastern Europe, and the Western Group. There are several currently operating, including: the [Working Group on Arbitrary Detention](#), the [Working Group on Enforced or Involuntary Disappearances](#) and the [Working Group on the use of mercenaries to impede the right of peoples to self-determination](#).

And finally...

...See the [A to Z of Child Rights](#)

## Children's Rights and UN Treaty Bodies

### What are the UN treaty bodies

There are two types of bodies responsible for promoting and monitoring human rights within the United Nations. The first type includes those created under the [UN Charter](#), including the [Human Rights Council](#) and the [Special Procedures](#), and the second are the treaty bodies. Most of these bodies receive support from the Office of the High Commissioner for Human Rights (OHCHR).

The Treaty Bodies of the United Nations are

committees composed of independent experts. They are responsible for monitoring how ‘State Parties’ (i.e. those States that have ratified the treaty in question) implement the treaty.

When a country ratifies one of these treaties, it assumes a legal obligation to implement the rights recognised in that treaty.

There are currently nine human rights treaty bodies that monitor implementation of the core international human rights treaties:

1. **Human Rights Committee** is the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights, 1966 by its State Parties.

[Committee website](#)  
[Sessions](#)

2. **Committee on Economic, Social and Cultural Rights** (CESCR) is the body of independent experts that monitors implementation of the International Covenant on Economic, Social and Cultural Rights by its States parties. The Committee was established under ECOSOC Resolution 1985/17 of 28 May 1985 to carry out the monitoring functions assigned to the United Nations Economic and Social Council (ECOSOC) in Part IV of the Covenant.

[Committee website](#)  
[Sessions](#)

3. **The Committee on the Elimination of Racial Discrimination** (CERD) monitors implementation of the International Convention on the Elimination of All Forms of Racial Discrimination 1965.

[Committee website](#)  
[Sessions](#)

4. **The Committee on the Elimination of Discrimination Against Women (CEDAW)** monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women 1979.

[Committee website](#)  
[Sessions](#)

5. **The Committee Against Torture (CAT)** monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment 1984

The Convention and its Optional Protocol

[Committee website](#)  
[Sessions](#)

See also: Special Rapporteur on Torture and CRC Article 37

6. **The Committee on the Rights of the Child** (CRC) monitors implementation of the Convention on the Rights of the Child 1989 and its Optional Protocols.

[More information.](#)

7. **The Committee on Migrant Workers** (CMW) monitors implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990.

[Committee website](#)  
[Sessions](#)

8. **The Committee on the Rights of Persons with Disabilities** (CRPD) monitors implementation of the Convention on the Rights of Persons with Disabilities 2006

[Committee website](#)

[Sessions](#)

## 9. The Committee on Enforced

**Disappearances** (CED) monitors the implementation of the [International Convention for the Protection of All Persons from Enforced Disappearance 2006](#)

[Committee website](#)

[Sessions](#)

## What do the treaty bodies do?

The Activities of the treaty bodies include:

- **Examining State Party reports** and issuing Concluding Observations on States' compliance to the Treaty.
- Considering individual **complaints or communications**

Only the following Committees can, under certain conditions, receive petitions from individuals who claim that their rights under the treaties have been violated.

- The Committee on the Rights of the Child will soon be able to examine complaints under a new Optional Protocol adopted at the 66<sup>th</sup> session of the General Assembly.
- The [Human Rights Committee](#) may consider individual communications relating to States parties to the [First Optional Protocol to the ICCPR](#);
- The [CEDAW](#) may consider individual communications relating to States parties to the [Optional Protocol to CEDAW](#);
- The [CAT](#) may consider individual

communications relating to States parties who have made the necessary declaration under [article 22 of CAT](#);

- The CERD may consider individual communications relating to States parties who have made the necessary declaration under [article 14 of ICERD](#).
- The [Convention on Migrant Workers](#) also contains provision for allowing individual communications to be considered by the [CMW](#); these provisions will become operative when 10 States parties have made the necessary declaration under [article 77](#).
- The CRPD can receive complaints from or on behalf of individuals or groups of individuals where the relevant State Party has ratified the Optional Protocol to its Convention.
- The CED can receive complaints from or on behalf of individuals or groups of individuals, where the relevant State has made a declaration to that effect.

[More information.](#)

- Publishing '**General Comments**' which are interpretations of thematic issues or methods of work within a treaty. See the General Comments of the CRC [here](#). To view all General Comments of all treaty bodies, visit the [website](#) of the OHCHR.
- **General Discussion Days** are thematic discussions organised by treaty bodies to examine an issue. These are public meetings which normally result in the Committee issuing recommendations on

the issue examined.

See [CRC Days of discussions](#)

## More information

- [Complaints procedures of the treaty bodies](#)
- [Ratification status of the treaties](#)
- [OHCHR Factsheet](#)
- [DVD/Training tool on the work of the treaty bodies](#)

## Office of the UN High Commissioner for Human Rights

### What is OHCHR?

The Office of the High Commissioner for Human Rights (OHCHR) is the UN organisation responsible for promoting those human rights established in the Charter of the United Nations and in [international human rights laws and treaties](#).

Its job includes preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, and coordinating related activities throughout the United Nations.

In addition to these responsibilities, the Office leads efforts to integrate a human rights approach within all work carried out by United Nations agencies.

The Office aims to offer leadership, work

objectively, educate and take action to empower individuals and assist States in upholding human rights. It is part of the United Nations Secretariat with headquarters in Geneva, Switzerland.

### What does it do?

The Office works to promote both the universal ratification and implementation of the major human rights treaties and respect for the rule of law.

OHCHR works with governments, legislatures, courts, national institutions, civil society, regional and international organisations, and the United Nations system to develop and strengthen capacity, particularly at the national level, for the protection of human rights.

The specific responsibilities of the High Commissioner, as set out in the mandate given by the United Nations General Assembly, are:

- To promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights;
- To provide advisory services and technical and financial assistance in the field of human rights to States that request them;
- To coordinate United Nations education and public information programmes in the field of human rights;
- To play an active role in removing the obstacles to the full realisation of all human rights and in preventing the continuation of human rights violations throughout the world;
- To engage in a dialogue with Governments in order to secure respect for all human rights;

- To enhance international cooperation for the promotion and protection of all human rights;
- To coordinate the national human rights promotion and protection activities throughout the United Nations system;
- To rationalise, adapt, strengthen and streamline the United Nations
- Special Procedures Branch (SPB), which provides support to the fact-finding and investigatory mechanisms of the Human Rights Council. The Council (and/or ECOSOC) gives mandates to specific persons to investigate specific types of human rights violations and conduct studies on particular themes and situations from a human rights perspective. These mandate-holders may thus draw the attention of Member States and the public to human rights violations in certain countries or to specific human rights issues.

More specifically, the Office supports the work of the United Nations human rights mechanisms, such as the **Human Rights Council** and the **Committee on the Rights of the Child** (and other treaty bodies (*what are these?*), except for the Committee on the Elimination of Discrimination Against Women).

For example, OHCHR coordinates the submission of NGO reports both to the Council and the Committee. If you have queries about the work of the Committee or the Council, or about the submission of your NGO reports for example, you will usually need to communicate with an employee of OHCHR (see below for how to do this).

OHCHR is divided into the following units:

- Treaties and Commission Branch (TCB), which services the human rights treaty bodies, the Human Rights Council and related working groups, and the United Nations Voluntary Fund for Victims of Torture. Among other things, it follows up on recommendations and decisions taken at treaty-body meetings, and helps to build national capacities to implement treaty-body recommendations.

- Research and Right to Development Branch (RRDB), which is mainly responsible for promoting and protecting the right to development.
- Capacity Building and Field Operations Branch (CBB), which develops, implements, monitors and evaluates advisory services and other technical-assistance projects at the request of governments; and also provides support to human rights fact-finding missions and investigations.

The Office's priorities are set out in two key strategic documents: the OHCHR Plan of Action and its Strategic Management Plan 2010-11.

These priorities have included:

- greater country engagement,
- working closely with partners at the country and local levels, in order to ensure that international human rights standards are implemented on the ground;
- a stronger leadership role for the High

Commissioner; and

- closer partnerships with civil society and United Nations agencies.

## How does it work?

OHCHR has an office at United Nations headquarters in New York and offices in many countries and regions. In addition to the Executive Office of the High Commissioner and a number of units that report to the Deputy High Commissioner, OHCHR has two major divisions and four branches.

The Office employs more than 850 staff (last update in April 2007), based in Geneva and New York and in 11 country offices and seven regional offices around the world, including a workforce of some 240 international human rights officers serving in UN peace missions. Funding comes from the United Nations regular budget and from voluntary contributions from Member States, intergovernmental organisations, foundations and individuals.

In carrying out its mission OHCHR will:

- Give priority to addressing the most pressing human rights violations, both acute and chronic, particularly those that put life in imminent peril;
- Focus attention on those who are at risk and vulnerable on multiple fronts;
- Pay equal attention to the realisation of civil, cultural, economic, political, and social rights, including the right to development; and
- Measure the impact of its work through the substantive benefit that is accrued, through it, to individuals around the

world.

OHCHR is guided in its work by the mandate provided by the General Assembly in resolution 48/141, the Charter of the United Nations, the Universal Declaration of Human Rights and subsequent human rights instruments, the Vienna Declaration and Programme of Action the 1993 World Conference on Human Rights, and the 2005 World Summit Outcome Document.

## Who is the High Commissioner?

The High Commissioner for Human Rights is the principal human rights official of the United Nations. The High Commissioner heads OHCHR and spearheads the United Nations' human rights efforts.

The Commissioner is accountable to the Secretary-General, and is responsible for all the activities of the Office of the United Nations High Commissioner for Human Rights, as well as for its administration, and carries out the functions specifically assigned to him or her by the General Assembly in its resolution 48/141 of 20 December 1993.

He or she advises the Secretary-General on the policies of the United Nations in the area of human rights; ensures that substantive and administrative support is given to the projects, activities, organs and bodies of the human rights programme; represents the Secretary-General at meetings of human rights organs and at other human rights events; and carries out special assignments as decided by the Secretary-General.

## How can NGOs work with the OHCHR?

NGOs are often the best, and sometimes the only, conduit for the submission of complaints on alleged violations of human rights. They also provide the United Nations human rights system, as well as OHCHR, with valuable studies and reports. NGOs are often partners of OHCHR in training and human rights education, and play a key role in the follow-up at the country level of recommendations and observations made by the United Nations treaty bodies and special procedures. In particular, NGOs submit crucial ‘alternative reports’ to the Committee on the Rights of the Child, Human Rights Council and other monitoring bodies. NGOs may, in special circumstances, benefit from funds managed by OHCHR.

NGOs can be involved in the submission of individual complaints to human rights treaty bodies. Find out how to submit a complaint [here](#). Find out more about complaints, and NGO involvement, [here](#)

### **See the child rights toolkit for NGOs submitting report to the Human Rights Council**

### **Learn about how to report to the Committee on the Rights of the Child**

Read: [Working with OHCHR: a handbook for NGOs](#)

#### **OHCHR NGO Liaison Officer**

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CH-1211 Geneva 10

Telephone: + 41 (0)22 917 9656

Email: [CivilSocietyUnit@ohchr.org](mailto:CivilSocietyUnit@ohchr.org)

#### **Further information**

- [Find out about the history of OHCHR](#)
- [Read OHCHR's annual report](#)
- [Visit the OHCHR website](#)

## **Committee on the Rights of the Child**

### **What is the Committee on the Rights of the Child?**

The Committee on the Rights of the Child (CRC) is a body of independent experts that monitors the implementation of the Convention on the Rights of the Child. The Convention itself provides for the establishment of such a Committee in articles 43, 44 and 45.

The Committee also monitors the implementation of two Optional Protocols to the Convention, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. The new Optional Protocol establishing a communications procedure under the CRC and its two substantive Optional Protocols will be adopted by the General Assembly in its 66<sup>th</sup> session.

Otherwise known as a ‘monitoring body’, or ‘mechanism’ ([what are these?](#)), the Committee mirrors similar set-ups for other treaties. For example, the Committee on the Elimination of Discrimination Against Women was set up to monitor the Convention on the Elimination of All Forms of Discrimination Against Women

(CEDAW).

## What does it do?

All States parties that have ratified the Convention on the Rights of the Child have to submit regular reports to the Committee on how the rights are being implemented. States must report initially two years after acceding to the Convention and then every five years. The Committee examines each report and addresses its concerns and recommendations to the State Party through “Concluding Observations”. Click here for examples.

The Committee also examines those reports from States who have acceded to two substantive Optional Protocols.

At its first session, in October 1991, the Committee adopted guidelines for State parties when they write initial reports.

## Complaints mechanism

The Committee will also hear complaints submitted under the newest Optional Protocol to the Convention on the Rights of the Child when it enters into force. In some ways, this complaints mechanism is uniquely adapted to children. Among other things, the new communications procedure specifies that:

- In reviewing communications, the Committee on the Rights of the Child must follow the principle of the best interests of the child and have regard to the rights and views of the child;
- The Rules of Procedure for using the complaints mechanism are to be child-sensitive;

- Safeguards must be introduced to prevent the potential manipulation of children, and the Committee can decline to consider communications found not to be in a child's best interests;
- The identity of any individuals involved in submitting a complaint, including child victims, cannot be revealed publicly without their express consent; and
- Communications must be submitted with the child victim's consent, unless the person submitting the complaint can justify acting on the child's behalf without that consent.

To read the full text of the CRC complaints mechanism as adopted by the Human Rights Council in June 2011, visit

<http://www2.ohchr.org/english/bodies/hrcouncil/OEWG/docs/A-HRC-17-36.doc>.

## How does it work?

The Committee meets in Geneva and normally holds three sessions per year, for a period of three weeks in January, May-June and September. At each session, the Committee examines reports from about 10 States Parties, discusses issues with a government delegation and issues concluding observations.

NGOs and National Children's Commissioners can submit "Alternative Reports" to States Parties reports to give a different perspective to the Committee. All Alternative Reports are made available through the NGO Group for the CRC and hosted on the CRIN website by session. NGO reports can also be searched on the CRIN website by country, session and author.



- Days of General Discussion

Once a year, at its September session, the Committee holds a Day of General Discussion (DGD) on a provision of the Convention on the Rights of the Child in order to issue more detailed recommendations to governments. Each year, children, NGOs and experts are invited to submit documents to inform the Committee's one-day debate with stakeholders (UN agencies, Committee members, NGOs, academics, lawyers, children, etc.).

All submitted documents are posted on the [CRIN website](#). Further information on Days of General Discussion is available on the [OHCHR website](#).

- Report to the UN General Assembly

Once a year, the Committee submits a report to the Third Committee of the UN General Assembly, which also hears a statement from the CRC Chair, and the GA adopts a Resolution on the Rights of the Child. The reports and resolutions are posted on the CRIN website.

- Regional workshops on follow up to Concluding Observations

OHCHR, in cooperation with NGOs and host governments, occasionally organises regional and sub-regional workshops to follow up on implementation of the Convention and other Treaty Bodies' Concluding Observations. CRC workshops have been held in Damascus (Syria), Bangkok (Thailand), Doha (Qatar), Buenos Aires (Argentina), Suva (Fiji) and San José (Costa Rica), and recommendations have been issued to the regions concerned.

Information is available on the [CRIN website](#) and the [OHCHR website](#).

- General Comments

The Committee occasionally publishes its interpretation of provisions of the Convention in the form of General Comments, sometimes following a Day of General Discussion debate.

Information available on the [CRIN website](#) and the [OHCHR website](#).

Find out more about the [working methods](#) of the Committee.

### **How is it structured?**

Independent experts come from a variety of backgrounds. For a list of current members, visit: <http://www.ohchr.org/english/bodies/crc/members.htm>

A working group of the Committee meets prior to each of its sessions for a preliminary examination of reports received from States Parties, and to prepare the Committee's discussions with the representatives of reporting States.

In addition to State reports, the working group considers information provided by other human rights treaty bodies. The Committee also receives information from mechanisms established by the Human Rights Council to investigate human rights problems in specific countries or on thematic issues, for example the Special Rapporteurs on torture, on extra-judicial, summary or arbitrary executions, and on violence against women. A key partner in this context is the Special Rapporteur on the sale of children, child prostitution and child pornography.

Ahead of the Committee session at which the State party's report is reviewed, a pre-sessional working group of the Committee also convenes a private meeting with UN agencies and bodies,

NGOs, and other competent bodies such as National Human Rights Institutions and youth organisations, which have submitted additional information to the Committee.

The end result of the pre-sessional working group's discussion on a State report is a "list of issues". The list of issues is intended to give the Government a preliminary indication of the issues which the Committee considers to be priorities for discussion.

It also gives the Committee the opportunity to request additional or updated information in writing from the Government prior to the session. This approach gives Governments the opportunity better to prepare themselves for the discussion with the Committee, which usually takes place between 3 and 4 months after the working group.

Read the Committee's [Rules of Procedure](#)

For regular news updates on the CRC and the activities of the Committee, visit CRIN's [CRC news](#)

## **International Criminal Court (ICC)**

### **What is the ICC?**

The [International Criminal Court \(ICC\)](#) is an independent, permanent court that tries persons accused of the most serious crimes of international concern, namely genocide, crimes against humanity and war crimes.

Thomas Lubanga from the Democratic Republic of Congo became the first person to be charged by the International Criminal Court (ICC) with the war crime of enlisting children under 15 and using them to participate actively in hostilities. In

January 2007, the pre-trial Chamber decided to proceed with a full trial against Lubanga. In August 2011, two and the half years after the his trial began, the Chamber officially closed the trial phase of the ICC's first case.

### **When can cases be brought to the ICC?**

[The Rome Statute](#), which established the ICC, came into force in July 2002. The Court is not authorised to prosecute any crimes committed before the Statute came into force.

To date, the Statute has been ratified by [119 countries](#). This means they agree to prosecute the crimes listed in the Rome Statute where these crimes are committed on their territory or where they are perpetrated by one of their nationals.

The ICC is designed to complement existing national judicial systems. Cases can only be examined by the ICC when national courts are unable or unwilling to investigate or prosecute such crimes, thus acting as a 'court of last resort'. Primary responsibility to bring alleged criminals to justice falls to individual States.

### **Children and the ICC**

All crimes under the ICC's jurisdiction affect children. Genocide includes the forcible transfer of children from one group to another, with the intention of destroying a particular national, racial, ethnic or religious group. Crimes against humanity include trafficking in children. War crimes include recruiting and using children in armed conflict, attacking schools or hospitals and wilfully starving a population as a method of warfare.

The Rome Statute of 17 July 1998 was the first treaty to make the recruitment of child soldiers a crime under international law. Protocol II Additional to the Geneva Convention of 1977 and the Convention on the Rights of the Child (1989) created an obligation on the part of States to refrain from recruiting child soldiers, but did not make it a crime.

The Lubanga case is the first time the recruitment and use of children in armed forces, which is a war crime according to Article 8 of the Statute, has been given such a high profile in an international tribunal.

Six children - who were 10 years old at the time - are cited in the indictment against Lubanga, who led the Union of Congolese Patriots militia. Their experiences are said to reflect those of hundreds of other children.

The ICC is also currently investigating situations in Uganda, Darfur, the Central African Republic, the Republic of Kenya, the Libyan Arab Jamahiriya and monitoring the situation in Cote d'Ivoire. It issued an indictment against five leaders of the Lord's Resistance Army of Uganda including commander Joseph Kony in October 2005 for crimes against humanity which include the abduction and sexual enslavement of children. The first Darfur war crimes suspects were named in February 2007.

### **Who can bring cases to the ICC?**

Cases can be brought by a State Party to the Rome Statute, the Prosecutor or the UN Security Council.

### **What provisions does the ICC make for victims?**

Participation in the Court's proceedings will, in most cases, take place through a legal representative. The victim-based provisions of the Rome Statute give victims an opportunity to have their voices heard and, where appropriate, to obtain some form of reparation for their suffering.

### **How can NGOs participate in the ICC's work?**

NGO staff are often the first people to witness massive violations of human rights and humanitarian law through their work with affected populations on the ground. This gives NGOs privileged access to information and testimonies from victims and witnesses and has led the International Criminal Court (ICC) to call upon them to provide vital evidence and to raise awareness about the ICC's activities among people on the ground.

However, while many NGOs support the ICC's aims and remit, engagement with the Court raises some challenges:

- If ICC investigations are undertaken during ongoing conflict, association with the investigation can potentially put children and their families in danger.
- The ICC is a political body; engaging with it can erode NGOs' impartial stance, which can affect the security of the people they work with and that of staff members, as well as access to communities where they want to work.
- Its political nature also means locally-led peace processes that may be ongoing could be disrupted.

- In practical terms, collecting evidence can be difficult because most NGO staff are not trained investigators.
- NGOs' first priority is to protect the confidentiality of their beneficiaries.
- NGOs may not have the capacity to appropriately document cited violations.

administration, so far, has been more supportive of the ICC.

For more information on the USA's relationship with the ICC, read more [here](#).

### Background information

The [Coalition for the International Criminal Court](#) is a global network of over 2,000 NGOs which advocates for a fair, effective and independent Court.

Human Rights Watch: [Children's Rights and the International Criminal Court](#)

Find out how your NGO can become a member [here](#)

Amnesty International: [Factsheet - Ensuring justice for children](#)

### What is the difference between the ICC and the International Court of Justice?

The ICJ is a civil tribunal that deals primarily with disputes between States. The ICJ is a principal judicial organ of the UN whereas the ICC is independent of the UN. Both are based in the Hague, the Netherlands.

The American Non Governmental Organisations Coalition for the International Criminal Court: [The International Criminal Court and Children's Rights](#)

[Special edition of the Children and Armed Conflict CRINMAIL on children and international justice](#)

### The USA and the ICC

The Former U.S. President Bill Clinton signed the Rome Statute on 31 December 2000. Shortly after the Bush administration came to power and just before the 1 July 2002 entry into force of the Statute, former U.S. President George W. Bush nullified Clinton's signature on 6 May 2002. The U.S. Government then launched a full-scale campaign against the ICC, claiming that it would initiate politically motivated prosecutions against U.S. nationals. This has included bilateral immunity agreements and refusing aid to States who are members of the ICC. However, in November 2006, the U.S. issued a limited waiver on these aid cuts (read more [here](#)). The Obama

### Other Relevant UN Bodies

#### ILO and its two Conventions on Child Labour

##### What is the ILO?

Founded in 1919, the ILO became the first specialised agency of the UN in 1946. Its founding value is that labour peace is essential to prosperity.

The mission of ILO is to help women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. Its main aims are to promote rights at work,

encourage decent employment opportunities, enhance social protection and help with the handling of work-related issues.

The ILO is the only 'tripartite' (three party) United Nations agency, which means that it brings together representatives of governments, employers and workers to jointly shape policies and programmes

The central tenet of the ILO is that work is central to people's well-being. It doesn't just provide income, but promotes social and economic advancement, strengthening individuals, their families and communities.

What does it have to do with child rights?

- [The International Programme on the Elimination of Child Labour](#)
- [ILO Convention on the Worst Forms of Child Labour](#)
- [ILO Convention on the Minimum Age for Admission to Employment and Work](#)
- [ILO Convention on Decent Work for Domestic Workers](#) (this Convention covers the rights of domestic workers in general, but pays significant attention to children's rights).

The ILO's **International Programme on the Elimination of Child Labour** (IPEC) was created in 1992 with the overall goal of eliminating child labour, which was to be achieved through strengthening the capacity of countries to deal with the problem, and promoting a worldwide movement to combat child labour. IPEC currently has operations in 88 countries,

with an annual expenditure on technical cooperation projects that reached over US\$74 million in 2006. It is the largest programme of its kind globally, and the biggest single operational programme of the ILO. The ILO has produced two conventions relating to child labour.

The ILO does not claim all work is bad for children, only work which interferes with their development, schooling and general well being.

While the goal of IPEC remains the prevention and elimination of all forms of child labour, the priority targets for immediate action are the worst forms of child labour, which are defined in the **ILO Convention on the Worst Forms of Child Labour, 1999 (No. 182)** as:

- all forms of slavery or practices similar to slavery, such as the sale and trafficking of children,
- debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Find the ILO Convention No. 182 on the Worst Forms of Child Labour, 1999, [here](#)

In relation to the Convention, the ILO also produced Recommendation No 190, which you can read [here](#)

Find out which States have ratified the Convention [here](#)

The ILO also produced **Convention No. 138 on the Minimum Age for Admission to Employment and Work**. The idea behind the Convention is that setting the age at which children can legally be employed is a good starting point for preventing child labour.

The main principles are:

- The basic minimum age for work should be **15**, with the possible exception of 14 for developing countries. This is the age at which compulsory schooling ends.
- The minimum age for hazardous work should be **18**.
- Light work (not affecting health, education or development) can be done between the **ages of 13 and 15** (possibly 12 and 14 in developing countries).

In relation to this Convention, the ILO also produced Recommendation no 146, which you can read [here](#)

**The ILO Convention on Decent Work for Domestic Workers (No. 189)** was adopted in June 2011. The Convention extends labour protections to domestic workers. The document addresses the rights of domestic workers

generally, but given the high numbers of children working in domestic service, the Convention includes a number of provisions that directly and indirectly seek to protect children.

Key provisions include a requirement for governments to set a minimum age for domestic work that is consistent with the Minimum Age Convention and the Worst Forms of Child Labour Convention, and to ensure that this work does not interfere with their education. An accompanying recommendation also urges governments to strictly limit working hours for child domestic workers, and to prohibit domestic work that would harm their health, safety, or morals.

The implementation of the child labour conventions is not monitored through any one mechanism (as with the Convention on the Rights of the Child, which is monitored by the Committee on the Rights of the Child), but rather through the tripartite system as a whole.

#### **Further information**

- ILO: [The End of Child Labour: Within reach](#) (2006)
- ILO: [Global Child Labour Trends 2000-2004](#)
- [Landmark treaty to protect domestic workers](#) (June 2011)
- [Questions and Answers on the Convention on Decent Work for Domestic Workers](#) (ILO, June 2011)

## What else does the ILO do?

The ILO works on international standards-setting, technical cooperation to Member States, dissemination of best practices, training, communication and publications.

The ILO is the global body responsible for drawing up and overseeing international labour standards. Working with its Member States, the ILO seeks to ensure that labour standards are respected in practice as well as principle

The ILO promotes the development of independent employers and workers organisations and provides relevant training and advisory services. Its technical assistance includes such fields as: Vocational training and vocational rehabilitation; Employment policy; Labour administration; Labour law and industrial relations; Working conditions; Management development; Cooperatives; Social security; Labour statistics; Occupational safety and health.

Read the ILO constitution [here](#)

## How does it work?

Through the International Labour Conference, the Governing Body and the International Labour Office.

The Member States of the ILO meet at the **International Labour Conference** in June of each year, in Geneva. Two government delegates, an employer delegate and a worker delegate represent each Member State. Technical advisers assist the delegations, which are usually headed by Cabinet Ministers who take the floor on behalf of their governments.

The Conference establishes and adopts

international labour standards and is a forum for discussion of key social and labour questions. It also adopts the Organization's budget and elects the Governing Body

The Governing Body is the executive council of the ILO and meets three times a year in Geneva. It takes decisions on ILO policy and establishes the programme and the budget, which it then submits to the Conference for adoption. It also elects the Director-General.

The ILO Governing Body is composed of 28 government members, 14 employer members and 14 worker members. States of chief industrial importance hold ten of the government seats permanently. Government representatives are elected at the Conference every three years, taking into account geographical distribution. The employers and workers elect their own representatives respectively.

The International Labour Office is the permanent secretariat of the International Labour Organization. It is the focal point for ILO's overall activities, which it prepares under the scrutiny of the Governing Body and under the leadership of a Director-General, who is elected for a five-year renewable term.

The Office employs some 1,900 officials of over 110 nationalities at the Geneva headquarters and in 40 field offices around the world. In addition, some 600 experts undertake missions in all regions of the world under the programme of technical cooperation. The Office also contains a research and documentation centre and a printing facility, which issue many specialised studies, reports and periodicals.

# World Health Organisation (WHO)

## What is WHO?

WHO is the leading body of the UN on global health issues. Its activities include: shaping the health research agenda, setting international standards, collecting quantitative data, providing technical support to countries, and monitoring health trends.

The World Health Assembly is the decision-making body of WHO. It meets once a year and is attended by delegations from all of WHO's [194 Member States](#). Its main function is to determine the organisation's policies.

## Children and the WHO

WHO has various children's programmes, including:

- [Child and Adolescent Health and Development](#)
- [Children's environmental health](#)
- [Child growth standards](#)
- [School and Youth Health](#)

WHO also has a strong focus on violence prevention, in particular violence against children, as part of its broader work in preventing non-communicable diseases.

## WHO and the UN Study on Violence against Children

WHO was one of the coordinating agencies, along with OHCHR and UNICEF, of the UN Study on Violence against Children, which was presented to the UN General Assembly in October 2006. The idea of the Study was to explore all forms of everyday violence against

children in five settings: the home, schools, communities, care and justice institutions, and the work place, with the aim of making recommendations to put an end to violence against children.

WHO focuses on violence against children for two reasons. Firstly, as a public health issue. In the UN Study on Violence, for example, WHO statistics indicate that:

- nearly 53,000 children are murdered each year;
- the prevalence of forced sexual intercourse and other forms of sexual violence involving touch, among boys and girls under 18, is 73 million (or 7%) and 150 million (or 14%), respectively.

Secondly, violence against children is a major risk factor for psychiatric disorders and suicide which can result in depression, anxiety disorders, smoking, alcohol and drug abuse, aggression and violence towards others, risky sexual behaviours and post traumatic stress disorders.

WHO's follow up activities to the UN Study on Violence against Children

- Through its 2002 *World Report on Violence and Health* (WRVH), WHO has encouraged governments to address violence as a public health priority. Fifteen countries have published or are preparing national reports on violence and health. In addition, over 100 countries have appointed violence prevention focal people in their Ministry of Health.
- The WHO has assisted nearly almost 40 countries in the past 18 months in violence prevention activities, including data collection, research on the costs of



violence, prevention programme evaluation, the establishment of national prevention institutes or task forces, and the improvement of victim services.

- The WHO plans to help put into practice the recommendations of the World Report on Violence and Health by supporting countries to collect data and information related to violence against children, develop national violence prevention policies, build the capacity of health professionals to address violence, and create systems for the provision of appropriate medico-legal services and emergency trauma care.
- The WHO has developed, in cooperation with the International Society for the Prevention of Child Abuse and Neglect, *Preventing Child Maltreatment: A guide for taking action and generating evidence*. This guide is intended to assist countries to:

- design and deliver programmes for the prevention of child maltreatment by parents and caregivers

- provides technical advice for professionals working in governments, research institutes and NGOs on how to measure the extent of child maltreatment and its consequences

- provide advice on how to design, implement and evaluate prevention programmes and services so that they show evidence of their effectiveness.

#### **Other WHO resources for the Study follow-up:**

- Guidelines for medico-legal care for victims of sexual violence, a clinical

guideline that includes a chapter on managing child sexual abuse;

- TEACH-VIP, a course designed to train government personnel, violence and injury prevention practitioners, injury response service providers and students in public health and nursing science on how to prevent violence and injuries. The course includes special modules on child maltreatment and youth violence.
- Developing national policies to prevent violence and injuries, a guideline to assist policy-makers and planners with formulating national policies.
- Guidelines for essential trauma care and Pre-hospital care systems, which together provide guidance for ensuring optimal care of injured patients--an essential component of reducing the number of violent deaths of adolescents in particular.

#### **Further information**

- [CRIN's Civil society gateway on violence against children](#)
- [Official website of the UN Study on Violence against Children](#)

## **Office of the UN High Commissioner for Refugees (UNHCR)**

#### **What is UNHCR?**

UNHCR was established in 1950 by the United Nations General Assembly. Its primary purpose is to safeguard the rights and well-being of

refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.

UNHCR's efforts are mandated by the organisation's Statute, and guided by the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol. International refugee law provides an essential framework of principles for UNHCR's humanitarian activities.

In support of its core activities on behalf of refugees, UNHCR's Executive Committee and the UN General Assembly have authorised the organisation's involvement with other groups.

These include former refugees who have returned to their homeland; internally displaced people; and people who are stateless or whose nationality is disputed.

UNHCR seeks to reduce situations of forced displacement by encouraging States and other institutions to create conditions which are conducive to the protection of human rights and the peaceful resolution of disputes. In pursuit of the same objective, UNHCR actively seeks to consolidate the reintegration of returning refugees in their country of origin, thereby averting the recurrence of refugee-producing situations.

### **How does it work with children?**

UNICEF and UNHCR work together on different programmes involving children. UNICEF's work with refugees is based on a resolution from its Executive Board calling on the agency "to continue providing emergency assistance to refugee and displaced women and children, particularly those living in areas affected by armed conflict and natural disasters."

Some of the child protection activities which they engage in include obtaining support for unaccompanied and separated children; ensuring the psychological well being of children and their families; providing basic education and meeting the health needs of children, adolescents, and their mothers. They provide basic services to refugees, and in the repatriation of refugee populations.

The agencies also work to strengthen water and sanitation services for the benefit of refugees and displaced persons and in the case of repatriation of refugee populations.

Close partnerships have been developed between UNHCR and NGOs in the field of emergency response, and have helped to supply specialist staff dealing with, for example, child protection.

### **Further information**

- [UNHCR Guidelines on Determining the Best Interests of the Child](#) (June 2008)
- [UNHCR publications](#)
- [Q & A on the 1951 Refugee Convention](#)
- [Read the Statute of the Office of the High Commissioner for Refugees](#) (1950)

## **UN Office on Drugs and Crime**

### **What is the UN Office on Drugs and Crime (UNODC)?**

The United Nations Office on Drugs and Crime (UNODC) is a global leader in the fight against illicit drugs and international crime. Its headquarters are in Vienna and it has 20 field offices as well as a liaison offices in New York

and Brussels.

UNODC assists Member States to take action against illicit drugs, crime and terrorism. In the Millennium Declaration, Member States also resolved to intensify efforts to counter transnational crime, drugs and international terrorism.

### Activities of UNODC

- To carry out research to increase knowledge and understanding of drugs and crime issues and expand the evidence-base for policy and operational decisions.
- To assist States in the ratification and implementation of international treaties, the development of domestic legislation on drugs, crime and terrorism, and the provision of secretariat services to treaty-based bodies.
- Field-based technical cooperation projects to support Member States to fight against illicit drugs, crime and terrorism.

More: <http://www.unodc.org/unodc/en/about.html>

### UNODC and children

#### The Global Youth Network

UNODC runs a Global Youth Network project to increase youth involvement with the international community in developing drug abuse prevention policies and programmes. The network has three main objectives:

- increase communication between youth groups and UNODC

- collect and disseminate information on good practices and
- build the capacity of youth groups across the world to successfully conceptualise and implement drug abuse prevention projects.

### Regional youth networks:

To join your regional youth network, go to:

[http://www.unodc.org/youthnet/youthnet\\_regional\\_networks.html](http://www.unodc.org/youthnet/youthnet_regional_networks.html)

### Crime

The United Nations Office on Drugs and Crime created the *Guidelines on Justice for Child Victims and Witnesses of Crime* with UNICEF and the International Bureau for Children's Rights. They were developed to help make sure that children who have been harmed by crime and children who have seen others harmed are protected and treated fairly when they say what happened to them in a court of law.

[Child-friendly version](#)

### Human Trafficking

UNODC designed the Global Programme against Trafficking in Human Beings (GPAT) in collaboration with the United Nations Interregional Crime and Justice Research Institute (UNICRI) and launched in March 1999. GPAT assists Member States to combat trafficking in human beings. It highlights the involvement of organised criminal groups in human trafficking and promotes the development of effective ways of cracking down on perpetrators.

The GPAT's' overarching objective is to bring to the foreground the involvement of organised criminal groups in human trafficking and to promote the development of effective criminal justice-related responses.

### Related links

- [What if the victim consents? Can children consent?](#)

### Drugs

#### Resources for children

- [ROSA: Drugs are not child's play](#)

## The World Bank and International Monetary Fund (IMF)

### What is the World Bank?

The World Bank provides over \$20 billion in assistance to developing and transition countries every year. It was originally established in 1945 to support reconstruction in Europe after World War Two. Two years later it issued its first loan: \$250 million to France for post-war reconstruction. Its mission has since grown.

Today, the Bank's mission is to reduce poverty. It has over [187 member countries](#) and provides money for activities ranging from agriculture to trade policy, from health and education to energy and mining. The World Bank is not a bank in the common sense of the word. A single person cannot open an account or ask for a loan.

The Bank provides funding for building projects, as well as to promote economic and policy prescriptions it believes will promote economic

growth. For example, part of the over \$300 million the Bank has provided the West African country of Niger funds health programmes addressing HIV and AIDS, and irrigation.

Some 10,000 development professionals from nearly every country in the world work in the World Bank's Washington DC headquarters or in its 109 country offices.

### Where does the World Bank get its money?

### What does it do?

The World Bank is a non profit-making institution which grants **\$9 billion in assistance**. The world's low-income countries generally cannot borrow money in international markets or can only do so at high interest rates. In addition to direct contributions and loans from developed countries, these countries receive grants, interest-free loans, and technical assistance from the World Bank to enable them to provide basic services. In the case of the loans, countries have 35-40 years to repay, with a 10-year grace period.

The World Bank sees the five key factors necessary for economic growth and the creation of an enabling business environment as:

1. Build capacity – Strengthening governments and educating government officials
2. Creating infrastructure – implementation of legal and judicial systems for the encouragement of business, the protection of individual and property rights and the honouring of contracts
3. Development of Financial Systems – the

- establishment of strong systems capable of supporting endeavours from micro credit to the financing of larger corporate ventures
4. Combating corruption – Support for countries' efforts at eradicating corruption
  5. Research, Consultancy and Training - the World Bank provides a platform for research on development issues, consultancy and conduct training programmes (web based, on line, video/tele conferencing and class room based) open for those who are interested from academia, students, government and non-governmental organisation (NGO) officers etc.

The World Bank has identified six strategic themes in its development work:

- The Poorest Countries  
Helping overcome poverty and spur sustainable growth in the poorest countries, especially in Africa
- Post-conflict and Fragile States  
Addressing the special challenges of countries that are emerging from conflict or seeking to avoid the breakdown of the state.
- Middle-income Countries  
Building development solutions for middle-income countries, with customised services as well as finance.
- Global Public Goods  
Playing a more active role in regional and global issues that cross national borders, including climate change, infectious diseases, and trade.

- The Arab World  
Working with partners to strengthen development and opportunity in the Arab world.
- Knowledge and Learning  
The World Bank define themselves as a “learning organisation”: to increasingly gather the best global knowledge to support development.

Read more about the [six strategic themes](#) for addressing global challenges.

[See the World Bank’s project database](#)

### **How does it work?**

The World Bank is like a cooperative, where its 187 member countries are shareholders. The shareholders are represented by a Board of Governors, who are the ultimate policy makers at the World Bank. The United States is by far the single country with the greatest number of shares (as with the International Monetary Fund), and therefore has a huge say in the direction of the organisation. Due to its high number of shares, it is also the only country with a veto. Generally, the governors are member countries' ministers of finance or ministers of development. They meet once a year at the Annual Meetings of the Boards of Governors of the World Bank Group and the International Monetary Fund.

Because the governors only meet annually, they delegate specific duties to 24 Executive Directors, who work on-site at the Bank. The five largest shareholders, France, Germany, Japan, the United Kingdom and the United States appoint an executive director, while other member countries are represented by 19 executive directors.

The World Bank Group is actually comprised of five separate arms. Two of those arms - the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA) work primarily with governments and together are commonly known as "the World Bank". IBRD focuses on middle income and poor countries, while IDA focuses on the poorest countries in the world.

Two other branches - the International Finance Corporation (IFC) and Multilateral Investment Guarantee Agency (MIGA) - directly support private businesses investing in developing countries. The fifth arm is the International Centre for Settlement of Investment Disputes (ICSID), which arbitrates disagreements between foreign investors and governments.

Find out more about where the Bank's funds come from, and how they are used, [here](#)

### **What does it have to do with child rights?**

The Bank says that it now has in place positive strategies to address human rights principles, although its human rights record has been much criticised in the past, and continues to attract criticism today (see further down).

According to its website, it has placed a new emphasis on understanding the relationship between human rights and development. It argues that there have been significant advances in the Bank's thinking on this issue and an increasing understanding of the connection between human rights and development on several levels. Its main arguments are as follows:

- While the World Bank is not an enforcer

of human rights, it may play a facilitative role in helping its members realise their human rights obligations.

- In addition, research exists linking economic outcomes to respect for human rights. Some research has shown that substantial violations of political and civil rights are related to lower economic growth. Other research has shown respect for civil liberties to be connected with better performance of government projects. There is also research ongoing on the link between governance and human rights.
- Although its policies, programmes and projects have never been explicitly or deliberately aimed towards the realisation of human rights, the Bank contributes to the promotion of human rights in different areas, e.g. improving poor people's access to health, education, food and water; promoting the participation of indigenous peoples in decision-making and the accountability of governments to their citizens; supporting justice reforms, fighting corruption and increasing transparency of governments.

### **What is the difference between the World Bank and the International Monetary Fund (IMF)?**

The job of the International Monetary Fund is to protect international trade. The World Bank's is to promote economic development. Both institutions were created at an international conference held at Bretton Woods, NH in June 1944. Both are controlled and financed by member nations (more than 180 of them), with larger nations devoting more money and having a greater say in decision-

making. The United States is by far the biggest shareholder.

The IMF's primary responsibility is preventing or minimising international trade crises. When a country buys more goods abroad than it sells abroad, it must borrow foreign currency to cover the difference (this is the trade deficit).

Many nations run trade deficits and it's not a crisis. Investors are willing to loan money to healthy countries because they are confident they'll eventually be paid back. It's only a crisis when international investors lose faith and stop lending money. The nation needs the money to repay its loans and to pay for imported goods. It reneges on its loan payments and slashes its imports. The crisis spreads as banks go under, other countries lose export business, they renege.... This is the disaster scenario the IMF is supposed to prevent.

The IMF has a pool of almost \$200 billion which it may loan to debtor nations at slightly below market rates. The IMF conditions a loan on reforms intended to enable the debtor to pay off its debts, which means earning more foreign currency than it spends, which means turning the trade deficit into a surplus. In other words, the price of a rescue from the IMF is to stop getting more from the rest of the world than you give, and to start giving more than you get. That is why the IMF is often unpopular.

Meanwhile, as explained above, the World Bank's job is to help less-developed countries become less less-developed.

[Source: <http://www.slate.com/id/1001979/>]

## Criticisms and controversies

Organisations and activists continue to lament the World Bank's human rights score card.

Many infrastructural projects financed by the World Bank Group have social and environmental implications for the populations in the affected areas and criticism has centred around the ethical issues of funding such projects. For example, World Bank-funded construction of hydroelectric dams in various countries have resulted in the displacement of indigenous peoples of the area. There are also concerns that the World Bank working in partnership with the private sector may undermine the role of the state as the primary provider of essential goods and services, such as healthcare and education, resulting in the shortfall of such services in countries badly in need of them.

In September 2008, The World Bank was indicted on 29 charges of human rights abuses and environmental damages in India, according to a study. A 13-member panel of the Independent People's Tribunal on the World Bank Group, consisting of prominent Indian and international jurists, economists, scientists, retired government officials, and social and religious leaders found the World Bank guilty of harming the environment and lowering the standard of living for most Indians.

The problem, some feel, is that just because the Bank addresses various human rights violations indirectly, by virtue of its other work, this does not mean its policies are human rights-based. Nor, more importantly, will such an approach sufficiently ensure that human rights are not breached as a result of its policies.

The Bank's founding charter requires that it does not engage in any political activity, and this will help to explain its reluctance to be drawn into the human rights arena. However, Environmental Economist Korinna Horta argues such a policy would be inconsistent with modern theories of development, and that the Bank cannot continue to argue its purposes are solely economic.

She writes that: "...protecting the environment, promoting social justice and upholding human rights are inextricably linked...the separation of development goals from politics is unrealistic." (Horta, K. *Rhetoric and Reality: Human Rights and the World Bank* (2002)).

For more specific project-related human rights concerns see the resources at the website of the Bank Information Centre, a NGO that monitors Bank activities, at <http://www.bicusa.org/en/Institution.Projects.5.aspx>

Experts believe that the Bank's organisational structure, and lack of accountability, also makes it harder for it to further human rights.

Environmental lawyer Dana L. Clark said. "A significant disjuncture exists between the actual powers of international institutions and the legal and political options to hold them accountable", she argues, concluding that: "Effective remedies must exist in situations where World Bank-financed projects have clearly violated international human rights law or the rights of local people as expressed in the Bank's social and environmental policy framework. (Clark D. *The World Bank and Human Rights: The Need for Greater Accountability* (2002))

See: [UN says World Bank and IMF "bound by international law"](#)

[Source: Bank Information Centre (<http://www.bicusa.org>)]

## **Broader concerns about both the IMF and the World Bank**

Critics of the World Bank and the IMF are concerned about the conditions imposed on borrower countries. The World Bank and the IMF often attach loan conditions based on what is termed the 'Washington Consensus', focusing on liberalisation—of trade, investment and the financial sector—, deregulation and privatisation of nationalised industries. Often the conditions are attached without due regard for the borrower countries' individual circumstances and the prescriptive recommendations by the World Bank and IMF fail to resolve the economic problems within the countries.

IMF conditions may additionally result in the loss of a state's authority to govern its own economy as national economic policies are predetermined under the structural adjustment packages. Issues of representation are raised as a consequence of the shift in the regulation of national economies from state governments to a Washington-based financial institution in which most developing countries hold little voting power.

Critics of the World Bank and the IMF are also apprehensive about the role of the Bretton Woods institutions in shaping the development discourse through their research, training and publishing activities. As the World Bank and the IMF are regarded as experts in the field of financial regulation and economic development, their views and prescriptions may undermine or eliminate alternative perspectives on



development.

There are also criticisms against the World Bank and IMF governance structures which are dominated by industrialised countries. Decisions are made and policies implemented by leading industrialised countries—the G7—because they represent the largest donors without much consultation with poor and developing countries.

[Source:

<http://www.brettonwoodsproject.org/item.shtml?x=320869>]

### Further information

- [Reflections on the World Bank's 2007 World Development Report](#)
- [Bretton Woods project](#)
- [Youthink! \(Youth section of the World Bank website\)](#)

## The UN Children's Fund (UNICEF)

### Latest:

- "[Narrowing the Gaps to Meet the Goals](#)" (September 2010)
- "[UNICEF's Idea](#)", New York Times Op-ed (18 September 2010)

### What is UNICEF?

UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential.

The organisation is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children.

UNICEF insists that the survival, protection and development of children are universal development imperatives that are integral to human progress. It is committed to ensuring special protection for the most disadvantaged children - victims of war, disasters, extreme poverty, all forms of violence and exploitation and those with disabilities.

UNICEF's work is carried out in more than 190 countries through country programmes and National Committees. Some 88 per cent of the organisation's approximately 7,200 posts are located in the field. There are eight regional offices and 126 country offices worldwide, as well as a research centre in Florence, a supply operation in Copenhagen and offices in Tokyo and Brussels. UNICEF headquarters are in New York.

### What does it do?

UNICEF is currently focused on the following

- areas:
- Child Survival and Development
- Basic Education and Gender Equality (including girls' education)
- Child protection from violence, exploitation, and abuse,
- HIV and AIDS and children, and
- Policy advocacy and partnerships for children's rights.

The organisation works on the following issues: adolescence, communities and families, emergencies, evaluation and good practice, gender equality, health, life skills, statistics and monitoring, nutrition, procuring supplies for children, research and, finally, 'rights and results'.

For more information, visit:

<http://www.unicef.org/whatwedo/index.html>

### **Where does UNICEF get its funding?**

In 2001, 64 per cent of UNICEF income came from governments. Much of the remaining 36 per cent came from funds raised by National Committees for UNICEF and from the sale of greeting cards and products. (UNICEF National Committees are non-governmental organisations that promote children's rights, raise funds, sell UNICEF greeting cards and products, create key partnerships and provide other support).

## **UN Educational, Scientific and Cultural Organisation**

### **Further details:**

### **What is UNESCO?**

UNESCO - the United Nations Educational, Scientific and Cultural Organisation (UNESCO) was founded on 16 November 1945

UNESCO works to create the conditions for dialogue among civilisations, cultures and peoples, based upon respect for commonly shared values.

Its slogan reads that: "It is not enough to build classrooms in devastated countries or to publish scientific breakthroughs. Education, Social and Natural Science, Culture and Communication are the means to a far more ambitious goal : to build peace in the minds of men."

### **What does it do?**

Through its strategies and activities, UNESCO is actively contributing to the achievement of the Development Goals of the United Nations Millennium Declaration by 2015 including those aiming to:

- Halve the proportion of people living in extreme poverty
- Achieve universal primary education
- Eliminate gender disparity in primary and secondary education
- Combat HIV and AIDS, malaria and other diseases

### **Focus on education**

The international community has pledged to achieve Education for All (EFA) by 2015. The World Education Forum (Dakar 2000) agreed to reach 6 goals by 2015:

- expand early childhood care and education
- improve access to complete, free schooling of good quality for all primary school-age children
- greatly increase learning opportunities for youth and adults

- improve adult literacy rates by 50 per cent
- eliminate gender disparities in schooling
- improve all aspects of education quality.
- develop innovative ways of providing education for people with special needs, living on the streets and in conflict and emergency zones

For more information, visit:

[www.unesco.org/education/efa/wef\\_2000](http://www.unesco.org/education/efa/wef_2000)

UNESCO says it is leading global efforts to achieve these goals by mobilising political will and coordinating efforts of all stakeholders in education including development partners, governments, NGOs and civil society. EFA is at the heart of UNESCO's major educational activities to:

- assist countries in formulating educational policies
- develop and disseminate materials such as best practices, manuals and teacher training packages designed to cover a wide range of issues, from sustainable development to peace education
- establish new norms and standards on vocational and technical education and the recognition of higher education qualifications
- identify new trends and appropriate strategies to cope with emerging issues in education, such as AIDS
- direct special attention to Africa, the least developed countries and the nine high population countries – Bangladesh, Brazil, China, Egypt, India, Indonesia, Mexico, Nigeria and Pakistan – that are home to more than 70 per cent of the world's adult illiterates and almost half of its out-of-school children
- broker partnerships between public, private and non-governmental actors to ensure better coordination of efforts and to sustain political momentum.
- the Literacy Initiative for Empowerment (LIFE), aimed at people with insufficient literacy skills and implemented in 33 countries
- the Global Initiative on HIV and AIDS and Education (EDUCAIDS), promoting massive expansion of prevention education for vulnerable young people
- the Initiative on Teacher Training in Sub-Saharan Africa, addressing the region's teacher shortage crisis (due to HIV and AIDS, armed conflict and other causes)

Read more [here](#)

To accelerate action towards EFA goals, UNESCO is focusing on 3 core initiatives in key areas:

Every year, UNESCO publishes the EFA Global Monitoring Report assessing where the world stands on its commitment to provide a basic education to all children, youth and adults by 2015. See: [www.unesco.org/education/efa](http://www.unesco.org/education/efa)

These reports are also posted on CRIN.

UNESCO is the lead agency for the UN Literacy Decade (2003–2012). While coordinating the efforts of diverse partners, UNESCO is developing new tools to measure the impact of

literacy campaigns and programmes. Visit: [www.unesco.org/education/litdecade](http://www.unesco.org/education/litdecade)

UNESCO is also leading the UN Decade of Education for Sustainable Development (2005–2014) to highlight the central role of education in the pursuit of sustainable development. Visit: [www.unesco.org/education/desd](http://www.unesco.org/education/desd)

Read more about UNESCO's focus areas [here](#).

Visit UNESCO's education portal:

[http://portal.unesco.org/education/en/ev.php-URL\\_ID=48712&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=48712&URL_DO=DO_TOPIC&URL_SECTION=201.html)

## 2. Regional Mechanisms

### Introduction

#### What are regional human rights mechanisms?

States which violate or fail to protect children's rights can be held to account at a national, regional or international level. Complaints can be brought before regional human rights systems if the complainant has exhausted all avenues available to them in the domestic courts or has been prevented from seeking justice. Regional mechanisms have so far been established for Europe, Africa and the Americas.

Regional human rights systems were developed to reflect regional values and offer a more specific framework than the UN system. Such a framework can resonate more strongly with local realities and allow for different approaches to enforcing standards. Unlike the UN system, both the Inter-American and the African human rights

systems spell out the duties that individuals have to society, as well as their rights. The regional systems provide varying degrees of protection for child rights: some have specific instruments and mechanisms to challenge breaches of child rights; others rely on a monitoring body to interpret how a particular treaty applies to child rights. Where there are gaps in the protection of rights, the regional systems for Africa, the Americas and Europe may draw on the UN or other regional systems to interpret how the provisions of human rights instruments apply to children.

CRIN aims to encourage the use of these regional mechanisms through the guide pages linked to below. These pages offer the following information:

- Explanations of how regional systems can be navigated to challenge breaches of children's rights, and how they can be used to seek reparation and effect changes in national legislation which will extend protection for children's rights;
- Examples of successful cases
- Glossaries of key terms for each regional system.

\*ASEAN has recently established a Women and Children's Commission for Southeast Asia, though this has yet to begin its substantive work (read more under 'Regional bodies and groupings'). While there are political bodies which strive to promote regional cooperation on political and economic issues in the Middle East through the Arab League, no mechanism exists as yet for vindicating child rights.

#### Africa

The **African Union** has several mechanisms for monitoring child rights: The [African Commission](#)

on Human and Peoples' Rights, the [African Committee of Experts on the Rights and Welfare of the Child](#), and the [African Court on Human and Peoples' Rights](#). The [African Committee of Experts on the Rights and Welfare of the Child](#) was created by the African Charter on the Rights and Welfare of the Child and it empowers the Committee to consider individual communications.

The [African Commission on Human and Peoples' Rights](#), was established by the African Charter on Human and Peoples' Rights. The Charter says all of its States Parties must accept that the Commission supervises and monitors all rights enshrined in the Charter. All 53 Member States of the African Union are parties to this Charter.

Click [here](#) to see if your country has ratified the African Charter on Human and Peoples' Rights

[African Court on Human and Peoples' Rights](#) was established by the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights. The Protocol entered into force in 2006, but has not yet begun its work. As in the UN human rights system, complaints may also be addressed to **Special Procedures** – individuals or working groups who are charged with monitoring a particular thematic area of concern, for example women's rights. There is currently no Special Procedure for child rights, but complaints involving breaches of child rights may be addressed to the other procedures.

## **Americas**

[The Organisation of American States](#) (OAS) is a regional grouping which has two main bodies. They hold OAS Member States to account for human rights violations in the Americas and the

Caribbean and are called The [Inter-American Commission on Human Rights](#) and the [Inter-American Court of Human Rights](#).

Click [here](#) to see if your country is an OAS Member.

The [Inter-American Commission on Human Rights](#) was established by the OAS Charter and the American Convention on Human Rights. Complaints may be brought against any Member State of the Organisation of American States. If a State is party to the American Convention on Human Rights, it is held to account for the rights enshrined in this Convention. If a State has not ratified the American Convention, the American Declaration on the Rights and Duties of Man is applied. The Inter-American System has no specific instrument relating to children, but other instruments may be invoked to make individual and inter-State complaints about violations of children's rights to the Inter-American Commission.

Click [here](#) to see if your country has ratified the American Convention on Human Rights. [CRIN's guide to the Inter-American Commission](#).

A **Rapporteur on Child Rights** who is appointed by the Commission may receive communications from States, organisations and individuals about a particular thematic issue or country of concern. They may carry out on-site investigations. States must agree to the Rapporteur's visit. The [Inter-American Court of Human Rights](#) was created by the American Convention on Human Rights. The Court's decisions are binding. Only the Inter-American Commission and States Parties to the American Convention may present complaints to the Court; individuals must present complaints to the Commission, which may then pass them to the Court. Any State against whom a complaint is

presented must have accepted the Court's jurisdiction to rule on such cases, otherwise the case may only be taken to the Commission.

Find out [here](#) if your country has accepted the Court's authority.

## Europe

The Council of Europe has two mechanisms which can be used to challenge breaches of children's rights: The European Court of Human Rights and the European Committee of Social Rights. The **European Court of Human Rights** was established by the European Convention on Human Rights. All Member States of the Council of Europe must abide by the Court's judgements; failure to do so can lead to expulsion from the Council of Europe. Click [here](#) to see if your country has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms. The **European Committee of Social Rights** was created by the European Social Charter. This Committee, which protects social and economic rights, complements the work of the European Court of Human Rights which protects civil and political rights. The Committee can review complaints filed against States that have also ratified the Protocol to the European Social Charter providing for a communications procedure. Find out [here](#) if your country has ratified the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints.

## Europe

### Council of Europe

#### What is the Council of Europe?

The Council of Europe (CoE) is a regional body of European States which aims to develop

common democratic principles among its Members based on the [European Convention for the Protection of Human Rights and Fundamental Freedoms](#) and other human rights standards. The CoE, which was founded in 1949, is based in Strasbourg, France.

The Council of Europe has two statutory organs: The **Parliamentary Assembly** and the **Committee of Ministers**. Its other components are the Congress of Local and Regional Authorities, whose members represent Europe's local authorities and regions and the Secretariat which is headed by a Secretary General, who is elected by the Parliamentary Assembly.

The [Parliamentary Assembly of the Council of Europe \(PACE\)](#) aims to promote and protect human rights and achieve greater cooperation through common action, agreements and debates. The Assembly is composed of members of the 47 Member States' national parliaments. Its functions include:

- electing judges for the European Court of Human Rights
- giving opinions on draft Conventions and Additional Protocols
- assessing a State's eligibility for membership of the Council of Europe
- monitoring the honouring of commitments and obligations by Member States

The **Committee of Ministers** which is made up of the Ministers of Foreign Affairs of the Member States, is the decision-making body of the Council of Europe. It supervises the execution of judgements of the European Court of Human Rights.

The CoE's judicial body for protecting human rights is the **European Court of Human Rights** based in Strasbourg.

## **Members of the Council**

There are 47 Member States, but other States can be granted 'special' or 'observer' status at the Council.

European States can be granted 'special guest status' to facilitate their accession to the Council provided they have signed the Helsinki Final Act and the Charter of Paris for a New Europe. There is currently one applicant – Belarus – but its special guest status has been suspended because of the country's lack of respect for human rights.

Countries outside Europe can be granted 'observer status', meaning they can send observers to cooperate with the Council, provided they are willing to accept the principles of democracy, the rule of law and respect for human rights. Current observer States are: the Holy See, the United States, Canada, Japan and Mexico. In addition, the Israeli, Mexican and Canadian parliaments hold 'observer status' with the Parliamentary Assembly.

## **Children's rights and the Council of Europe**

The main human rights treaty of the Council of Europe, the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), which deals with civil and political rights, makes no mention of children's rights. The first provision for children added to this Convention was in Article 5 of Protocol No. 7, which was adopted in 1984.

The other major human rights treaty of the

Council of Europe is the European Social Charter which sets out economic and social rights. The provisions relating to children's rights refer mainly to their right to protection in the workplace and from economic and social vulnerability. See Articles 7, 8, 16, 17, 19, 27, 31.

### Fact sheet on children's rights in the European Social Charter

The CoE has also adopted a number of specific treaties on children's rights which may be invoked to challenge breaches of these rights:

- Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2010)
- European Convention on the Exercise of Children's Rights (1996)  
This refers mainly to family proceedings.
- European Convention on the Legal Status of Children born out of Wedlock
- European Convention on the Adoption of Children
- European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children
- European Convention on Nationality
- European Convention on the Repatriation of Minors
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201)
- Convention on Action against Trafficking

in Human Beings

- Convention on Cybercrime

### **What are the mechanisms that can be used to hold governments to account if they do not respect or protect children's rights?**

The European Court of Human Rights monitors States Parties to the Council of Europe's compliance with the European Convention on Human Rights. Read more [here](#).

The European Committee of Social Rights monitors States Parties' compliance with the European Social Charter. Read more [here](#).

### **Commissioner for Human Rights**

There is no one appointed specifically to look at children's rights but there is a Commissioner for Human Rights. His role is to:

- promote education and awareness of human rights in Member States of the Council of Europe;
- identify gaps in the laws and practices of these States; and
- promote the observance and full enjoyment of human rights.

The Commissioner's office, which was established in 1999, is an independent institution within the Council of Europe. The Commissioner, who is elected by the Parliamentary Assembly, cannot take up individual complaints before the European Court of Human Rights. However, he can submit written comments or participate in hearings as a third party in support of one of the parties in a case.

His other activities include:

- undertaking country visits to engage in dialogue with governments
- making thematic recommendations and raising awareness
- promoting the developing of national human rights institutions

The Commissioner is democratically elected by the Parliamentary Assembly for a non-renewable term of office of six years.

According to Resolution (99) 50 on the Council of Europe Commissioner for Human Rights, "The candidates shall be eminent personalities of a high moral character having recognised expertise in the field of human rights, a public record of attachment to the values of the Council of Europe and the personal authority necessary to discharge the mission of the Commissioner effectively. During his or her term of office, the Commissioner shall not engage in any activity which is incompatible with the demands of a full-time office."

You can see the voting procedure for candidates at the Council of Europe [here](#)

### **How can NGOs participate in the Council's work?**

NGOs which have participatory status with the Council of Europe can participate in the work of all of its bodies. Some of the ways they can cooperate with the Council include:

- acting as consultants on studies; preparing memoranda for the CoE's Secretary



General;

- making oral or written statements to the Parliamentary Assembly's Committees and the Congress of Local and Regional Authorities;
- participating in meetings.

Some of the practical ways NGOs have been involved include:

- preparing and drawing up some of the CoE's Conventions, for example, the European Convention on the Legal Status of Migrant Workers and the European Convention for the Prevention of Torture;
- providing information to the European Court of Human Rights to contribute to analysis of certain issues or as third parties to a case;
- lodging collective complaints with the European Committee of Social Rights.

The Council has a permanent structure for cooperation with NGOs:

- The annual Plenary Conference of NGOs decides on the year's objectives
- The Liaison Committee liaises with the CoE's Secretariat, monitors NGOs meetings in specialist areas, encourages NGO participation, and organises the Plenary Conference and programme of work.

The Conference of INGOs is the collective name for Independent Non-Governmental Organisations that have been granted participatory status at the Council of Europe.

**Find out more about NGO participation [here](#)**

## **Recommendations**

The Committee of Ministers issues Recommendations to Member States on matters for which the Committee has agreed on a common policy. Recommendations are not binding. Search for recommendations of the Council of Europe are available [here](#).

## **European Court of Human Rights**

### **What is the role of the European Court of Human Rights?**

The **European Court of Human Rights**, which has its seat in Strasbourg, France, monitors State Parties' compliance with European human rights treaties and their additional protocols.

The European Convention on the Protection of Human Rights and Fundamental Freedoms, which entered into force in 1950, is the main treaty monitored by the Court. This sets out the civil and political rights and freedoms that European States agree to ensure for people living within their jurisdiction. It complements the European Social Charter which guarantees economic, social and cultural rights and is monitored by the European Committee on Social Rights.

The Court delivers judgements against Member States of the Council of Europe on alleged violations of the European human rights treaties. Complaints may be lodged by individuals or by other Member States.

The European Court is part of the Council of

Europe. Failure by States to abide by judgements can lead to expulsion from the Council of Europe, and the Court's decisions are binding on all Council of Europe members.

The European Court deals with cases in which an individual has not received adequate redress for violations in the courts in his or her country, or has been unable to access the national justice system. The Committee of Ministers, which is the decision-making body of the Council of Europe and is composed of its Member States' Foreign Ministers, is responsible for supervising enforcement of the Courts' judgements.

The Court also has an advisory function which allows it to issue 'Advisory Opinions'. Advisory Opinions, which can be requested by the Council of Europe's Committee of Ministers, go into more detail about a particular Article or aspect of a Convention to help interpret its meaning.

## **Children's rights and the European Court**

The main human rights treaty of the Council of Europe, the European Convention on Human Rights, makes no specific mention of children's rights. However, the rights contained in the Convention apply to children, and indeed, complaints have been brought to the European Court of Human Rights alleging breaches of these rights in the case of children (see below).

In addition, the CoE has adopted a number of treaties specifically to protect children's rights and which may be invoked at the European Court to challenge breaches of these rights:

- [Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#) (2010)

- [European Convention on the Exercise of Children's Rights](#) (1996)  
This refers mainly to family proceedings.
- [European Convention on the Legal Status of Children born out of Wedlock](#)
- [European Convention on the Adoption of Children](#)
- [European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children](#)  
CETS No.:105
- [European Convention on Nationality](#)
- [European Convention on the Repatriation of Minors](#)

The Court has also recognised the importance of the Convention on the Rights of the Child in its jurisprudence, stating that "[t]he human rights of children and the standards to which all States must aspire in realising these rights for all children are set out in the United Nations Convention on the Rights of the Child" ([Sahin v. Germany](#)). Further decisions of the European Court citing the CRC can be found in CRIN's ["CRC in Court" case law database](#).

## **What kind of violations can be brought to the Court?**

The first child rights case was brought before the Court in 1978. It concerned the judicial corporal punishment of a UK citizen, Mr. Anthony Tyrer, who was 15 at the time of the sentence in 1972. He had pleaded guilty at a local juvenile court in the Isle of Man to unlawful assault occasioning

actual bodily harm to a pupil at his school. The court had sentenced him to three strokes of the birch.

The applicant claimed that his judicial corporal punishment constituted a breach of [Article 3](#) of the European Convention which prohibits torture, degrading and inhumane treatment or punishment. He also claimed that the punishment was destructive to family well-being, contravening [Article 8](#); that no remedies existed to rectify the violation as required by [Article 13](#); and that the punishment was discriminatory because it was primarily applied to persons from financially and socially deprived homes ([Article 14](#)).

The European Commission, which determined the admissibility of complaints at this time, decided, by 14 votes to one, that the judicial corporal punishment was degrading and in breach of [Article 3](#) of the Convention. The case was passed to the Court to make a binding decision. The Court also found the judicial corporal punishment to be in breach of [Article 3](#) and afforded, in accordance with [Article 50](#) of the European Convention, just satisfaction to the applicant. Read the full judgement [here](#).

The many other child rights breaches which have since been litigated at the Court include the [ill-treatment of children in police custody](#); the [right to legal assistance for children in conflict with the law](#); the [detention and deportation of young children](#); [children's voice in child protection and placement decisions](#); [international adoption](#); and [corporal punishment at home and at school](#).

Notably, the Council of Europe's "Building a Europe for and with Children" programme also maintains [Theseus, a searchable database of the Court's case law relevant to children](#) available in

English and French.

## How can I submit an application to the court?

Any Member State or individual may lodge a complaint with the Court alleging a breach of rights in the Convention by a Contracting State.

In order for the Court to consider your application, it must meet certain criteria. These are listed below:

1. You must be a victim of a violation of one or more of the articles of the Convention. This usually means you will be a direct victim of a violation, although sometimes it is sufficient to show you are likely to be affected by a violation or that you belong to a group of people which is likely to be affected.
2. You must try all possible means of seeking redress in your own country before applying to the European Court of Human Rights.
3. Any application to the ECHR must be made within six months of the conclusion of any court proceedings that you have taken in your own country that could have provided you with a remedy or, if there were no proceedings that it was reasonable to expect you to take, within six months of the event which gives rise to your application.

To receive an application form from the Court, you must send a letter to the European Court of Human Rights, Council of Europe 67075 Strasbourg-Cedex, France.

Your letter should include the following information:

1. Your details (name, address and nationality).
2. The country against which you are making your application.
3. The facts that have given rise to your application.
4. The article or articles of the Convention that you say have been breached.

The Council of Europe has set up a legal aid scheme for applicants who do not have sufficient means to bring a complaint to the Court.

### **Is anyone appointed to the Court specifically to address child rights issues?**

No one is appointed specifically to address child rights issues at the Court. However, the [Council of Europe's Commissioner for Human Rights](#) may submit written comments and take part in hearings as a third party, on behalf of one of the applicants, but may not himself submit applications.

### **What can be done to ensure a violation is not repeated after reparation has been sought?**

If a violation continues to have adverse effects on an individual after the applicant has received reparation (or 'just satisfaction') for that violation, the Committee of Ministers can request national authorities to take 'individual measures' which aim to end and, as far as possible, redress these effects.

If the applicant has been granted reparation for a violation of the European Convention by the Court, the Committee of Ministers may request a State to take 'general measures' to prevent similar

violations from taking place in the future.

### **How is the Court structured?**

The structure of the Court can seem complicated.

The Court consists of a number of judges equal to that of the High Contracting Parties and are elected by the Parliamentary Assembly of the Council of Europe.

It is divided into five Sections. Each judge is assigned to a section for a period of three years.

The Sections take into account the different legal systems of the Contracting States. Each section has a chamber made up of seven judges and a Committee of three judges.

Most judgements are given by chambers. The role of the Committees is to dispose of cases which are clearly inadmissible. Committees deal only with individual complaints, not inter-State cases. If they cannot reach a unanimous decision, the case is referred to the Grand Chamber.

A Grand Chamber is made up of seventeen judges, including the President, Vice-President and Section Presidents. The Grand Chamber deals with cases where there are difficulties interpreting or applying the Convention. In addition, either party may ask that the case be referred to the Grand Chamber within three months of a judgement being delivered – in this way the Grand Chamber is a bit like a Court of Appeal. The Grand Chamber's decisions are final.

### **Challenges for the European human rights protection system**

In recent years, the European human rights protection system has faced a number of challenges. This is not surprising given that it was established in the 1950s and human rights

standards have gained considerably in importance since that time.

The system became seriously overburdened as a result of a sharp increase in the membership of the Council of Europe and a general increase in applications to the Court of Human Rights following the development of human rights standards and greater awareness of the possibility of bringing complaints to this forum. The number of cases referred annually to the Court rose from seven in 1981 to 119 in 1997.

The complicated structure also cried out for reforms and led to an expansion of the Court's powers. Previously, the system operated like the Inter-American system of human rights, in which a Commission and a Court share the work.

The European Commission of Human Rights used to review whether cases were admissible and, would then try to broker a friendly settlement between the parties. If this was not successful, it would pass the case to the Committee of Ministers who ruled on the alleged violation. If the State concerned had accepted the contentious jurisdiction of the Court (the Court's authority to rule on human rights violations), the Commission could also ask the Court to issue a binding decision, otherwise the Committee of Ministers would decide if a violation had taken place and if so, award 'just satisfaction', or compensation to the victim. Individuals were not entitled to bring their cases directly to the Court.

To counter some of these problems, two Protocols were developed which made important reforms to the system. The first was Protocol No. 11. This Protocol, which entered into force in 1998, aimed to simplify the structure of the Court. It did this by abolishing the European Commission so that

all cases would now be reviewed by the Court, while the Committee of Ministers could no longer rule on alleged human rights violations, but remained responsible for supervising their enforcement.

In spite of these changes, the caseload again became unmanageable, leading to the creation of an additional Protocol in 2004 - Protocol 14, which entered into force in May 2010. This does not make radical changes, but instead increases the flexibility of the Court to process applications. The main changes include additional admissibility criteria (which determine whether a case is viable or not), measures for dealing with repetitive cases, and reinforcing the Court's capacity to filter unmeritorious applications.

## **European Committee of Social Rights**

### **What is the European Committee of Social Rights?**

The European Committee of Social Rights was created by Article 25 of the European Social Charter to monitor States' compliance with the rights contained in the Charter.

The European Social Charter spells out the social and economic rights that States Parties to the Charter must guarantee for people living within their jurisdiction.

The Charter, which was adopted in 1961, revised in 1996 and amended by three additional

protocols, has been signed by all 47 Members of the Council of Europe. For an up to date record of which Members have ratified the Charter, see the online list maintained by the Council of Europe.

The Charter complements the European

Convention on Human Rights which focuses on civil and political rights and is monitored by the European Court of Human Rights.

Both the European Committee of Social Rights and the European Court of Human Rights report to the Committee of Ministers of the Council of Europe.

The European Committee of Social Rights is made up of thirteen independent experts who are elected by the Council of Europe's Committee of Ministers for a period of six years. Mandate holders may be re-elected once.

## **Child rights and the European Social Charter**

States must have accepted at least six 'hard core' provisions of the Charter; these are: Articles 1, 5, 6, 7, 12, 13, 16, 19 and 20. They must also agree to be bound by a number of other articles or numbered paragraphs which they may select. The total number of articles may not be less than 16; the total number of numbered paragraph may not be less than 63.

Some of the rights contained in the Charter specifically relate to children; others have particular relevance to children as family members.

The Charter guarantees the following areas of child rights:

- protection before birth through rights for pregnant women (Articles 8, 11)
- rights of the family (Articles 16, 27, 31)
- legal status of the child (Article 17)

- rights of children in conflict with the law (Article 17)
- health provision (Article 11)
- special protection of children from violence, abuse and sexual exploitation, as well as protection for children without parental care (Articles 17, 7)
- right to education (Articles 10, 15, 17)
- prohibition of child labour (Articles 7, 1)
- working conditions for children aged 15-18 (Article 7)
- rights of migrant children (Article 19)

Read more about child rights and the European Social Charter here: [Fact sheet on children's rights in the European Social Charter](#).

## **How does the Committee monitor compliance with the European Social Charter?**

The Committee monitors how States are implementing the Charter through a State reporting system and a collective complaints system.

### **The State reporting system**

The Committee has devised a new reporting procedure for States Parties to the Charter. The reporting guidelines set out actions needed to bring national legislation in line with the Charter.

States Parties to the Charter will report to the Committee every year (on October 31) on one of the four sets of thematic provisions of the Charter. In this way, each State report on each set of

provisions once every four years. The groupings are:

1. Employment, training and equal opportunities: Articles [1](#), [9](#), [10](#), [15](#), [18](#), [20](#), [24](#), [25](#)
2. Health, social security and social protection: Articles [3](#), [11](#), [12](#), [13](#), [14](#), [23](#), [30](#)
3. Labour rights: Articles [2](#), [4](#), [5](#), [6](#), [21](#), [26](#), [28](#), [29](#)
4. **Children**, families, migrants: Articles [7](#), [8](#), [16](#), [17](#), [19](#), [27](#), [31](#)

When the Committee examines State reports, it issues ‘conclusions’ about a State’s compliance with the Charter. These conclusions are available on the [European Social Charter database](#).

Reports submitted by States Parties are available [here](#)

### **Is there any follow up to the Committee’s conclusions?**

A Governmental Committee, which is composed of representatives of States Parties, considers questions of non-compliance in the months that follow the publication of conclusions.

If the Committee feels that there is no intention to remedy a violation, it can issue a recommendation to the State concerned through the Committee of Ministers, requesting that it take appropriate measures to do so.

The Governmental Committee publishes an annual report on the European Social Charter which it presents to the Committee of Ministers of the Council of Europe.

### **The collective complaints system**

Complaints of human rights violations may be submitted to the European Committee of Social Rights under a [protocol](#) which came into force in 1998.

The list of states that have ratified the protocol can be seen [here](#). States can also recognise the right for national NGOs to lodge collective complaints, though only Finland has done so to date.

The Committee examines the complaint and, if it meets certain criteria, will declare it ‘admissible’.

Written responses are then exchanged between the State and complainant. The Committee may also decide to hold a hearing.

The Committee then takes a decision on the merits of the complaint, which it passes on to the parties concerned and to the Committee of Ministers in a report, which is made public within four months of being submitted.

Finally, the Committee of Ministers adopts a resolution. In some cases it may recommend that the State concerned take specific measures to bring the situation into line with the requirements of the European Social Charter.

### **What kind of child rights breaches does the Committee address?**

The majority of collective complaints of breaches of children’s rights relate to States’ failure to prohibit corporal punishment in all settings under [Article 17](#) of the Charter (the right of children and young persons to social, legal and economic protection). Portugal, Belgium, Italy, Greece and Ireland have all had complaints made against them for this reason.

Other cases include the lack of educational provisions made for children with special needs in Bulgaria and France, and the failure to ensure medical care for all children in France.

## **The European Union and Child Rights**

### **Child rights in the European Union**

When the [Treaty of Lisbon](#) entered into force on 1 December 2009, it gave the 2007 [Charter of Fundamental Rights of the European Union](#) the same legal status as the treaties within EU law. Article 24 is the main provision of the charter that makes reference to children, including principles such as the best interests of the child, a right of children to protection and care, and a right for children to have direct contact with his or her parents, unless contrary to his or her interests.

This does not mean that cases can be brought directly using the Charter nor that EU institutions can legislate to further its rights. Both article 6 of the amended Treaty on the European Union and article 51(2) of the Charter itself make it clear that the Charter does not extend the competencies of the European Union's institutions.

However, when European law is already engaged, that law must be interpreted in accordance with Charter rights. If EU law touched on a custody suit, the relevant legislation would have to be interpreted in light of article 24 of the Charter. For an example of where European Court of Justice case law requires EU law to be interpreted in accordance with the Charter in the context of children's rights, see: [J.McB V L.E. \[2010\] C-400/10 PPU](#)

[Consolidated versions of the EU treaties and the Charter of Fundamental rights](#) can be found through the EU website.

Learn more about the European Union [here](#).

### **The EU and the European Convention on Human Rights**

As a result of the Treaty of Lisbon, article 6(2) of the amended Treaty on the European Union provides that “the Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms” (ECHR).

An informal working group met between July of 2010 and June of 2011 on the development of an accession instrument, and an extraordinary meeting of the Steering Committee for Human Rights (CDDH) will consider the results of the working group in October 2011. The CDDH is then expected to submit an accession agreement to the Committee of Ministers and the Council of Europe. The Parliamentary Assembly of the Council of Europe and the two European Courts will be given the opportunity to submit an opinion on the agreement, which must then be adopted by the Committee of Ministers. The accession to the ECHR will only enter into force with the ratification of the agreement by all State Parties of the ECHR and the EU itself.

The [Council of Europe](#), comprised of 47 members including the 27 member states of the EU, is different from the European Union (EU) and is an international organisation in its own right.

Read more:



- [EU accession to the European Convention on Human Rights](#) (Council of Europe website)
- [Accession by the European Union to the European Convention on Human Rights: Answers to frequently asked questions](#) (Council of Europe, June 2011)

Read more:

- [An EU Agenda for the Rights of the Child](#) (Communication from the Commission, February 2011)
- [The EU Agenda on the Rights of the Child](#) (Save the Children, March 2011)

## EU policies and programmes

On 4 July 2006, the European Commission launched a Communication called “Towards an EU Strategy on the Rights of the Child”. The Aim was to establish a comprehensive approach to children's rights in both internal and external EU-policies.

It contained seven long-term objectives (such as fighting child poverty), and short-term measures (including a telephone help-line for children to access from all over Europe). It also required the Commission to appoint a “Co-ordinator of the Rights of the Child”, to act as a contact person and ensure co-ordination.

On 15 February 2011, this communication was succeeded by the [Communication “An EU Agenda for the Rights of the Child”](#). The communication laid out 11 actions for the coming year aimed at making the justice systems within the EU more child-friendly. Actions included adopting a proposal for a directive on victims' rights to raise the level of protection for vulnerable victims (including children) and tabling a directive on special safeguards for suspected or accused persons who are vulnerable (including children). The communication has been described as “weak on measures that will ensure the implementation of the commitments made on children's rights” by some within the child rights community.

The European Union has adopted about 50 legislative and non-legislative documents. The former include regulations, directives and decisions while the latter include green papers, communications, reports, studies, and declarations. They are all used as instruments to promote children’s rights in areas including:

- asylum and immigration,
- justice and family matters,
- child trafficking and prostitution,
- violence against children,
- child safety on the internet and TV,
- discrimination and social exclusion,
- child poverty,
- child labour (including trade agreements committing to the abolition of child labour),
- health and education
- children in armed conflict.

In 2009, the EU also began a programme on the rights of child victims of crime as part of the [Children in the Union: Rights and Empowerment \(CURE\)](#) initiative, which produced an [official](#)

report in 2010, including recommendations to the Commission and the Member States of the EU. Finally, the European Commission incorporates a “human rights clause” into nearly all EU

In addition, it has also developed financial assistance programmes. These include:

- **DAPHNEE II** on violence against children, young people and women,
  - **AGIS** on trafficking in human beings and the sexual exploitation of women and children, as part of the fight against organised crime,
  - **Safer Internet Plus** to promote safer use of internet particularly for children
  - **Twenty five children’s rights projects** identified as priorities within the European Initiative for Democracy and Human Rights (EIDHR ) in 2001, and main streamed in funding from 2002-2004. More information
- European Parliament Hearing on Children's Rights (17/04/2007)
  - European Commission Communication: Towards an EU Strategy on the Rights of the Child (29/01/2007)
  - EURONET Webpage on the EU Strategy on Children's Rights
  - Report: What about children? Children's Rights in the European Union: Next Steps

For a complete list of areas covered please click here and for documents and lists of projects click here

## **External relations**

In recent years, the EU has focused on children in its external relations. For example, it adopted the “EU Guidelines on Children in armed conflicts” in December 2003. The European Commission's Humanitarian Aid Office (ECHO) has financed projects relating to children (e.g feeding, vaccination, primary education, and reintegration of child soldiers) and has identified children as a priority in its last two annual strategic plans and guidelines. Other projects also have been financed under the European Initiative for Democracy and Human Rights (EIDHR), as seen above.

“human rights clause” into nearly all EU agreements with third countries. It has also incorporated human rights into the conditions required for countries wanting to join the EU. Candidate countries must respect those EU principles common to Member States.

## **Africa: African Union**

The African Union, which was established in 2001 by the Constitutive Act in Lomé, Togo, is a multi-lateral organisation which promotes cooperation on economic and political issues and in other areas of common interest. It is built on democratic principles, good governance and human rights.

It replaced the Organisation of African Unity (OAU), the first regional body created in 1963 primarily to help liberate African States from colonisation, eradicate apartheid and promote economic cooperation among Member States. The OAU was abolished by its chairperson Thabo Mbeki.

The OAU, often branded a ‘talking shop’, came under fire for its failure to take action against its

Member States' blatant disregard for their citizens' human rights and was nick-named 'The Dictators' Club'.

The decision-making body of the African Union is the AU Assembly of Heads of State. The AU is made up of 53 States – all African States bar Morocco which opposes the membership of Western Sahara as the Sahrawi Arab Democratic Republic, which Morocco claims as its own territory.

Its [Constitutive Act](#) puts special emphasis on the importance of civil society's role in the continent's development.

### **Human and child rights mechanisms in the African Union**

The [African Committee of Experts on the Rights and Welfare of the Child](#) was created by the African Charter on the Rights and Welfare of the Child and it empowers the Committee to consider individual communications and undertake country investigations. The Committee is still drafting its working methods and has yet to examine any complaints.

Click [here](#) to see if your country has ratified the African Charter on the Rights and Welfare of the Child

The [African Commission on Human and People's Rights](#), was established by the African Charter on Human and People's Rights. The Charter says all of its States Parties must accept that the Commission supervises and monitors all rights enshrined in the Charter. All 53 Member States of the African Union are parties to this Charter.

Click [here](#) to see if your country has ratified the

African Charter on Human and Peoples' Rights

The [African Court on Human and Peoples' Rights](#) was established by the Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights. The Protocol entered into force in 2006, but has not yet begun its work.

For explanations of other organs in the AU, go [here](#)

### **UN GA Special Session on Children: the African Common Position**

The Organisation of African Unity prepared an 'African Common Position' as a contribution to the [UN Special Session on Children](#), which was held in New York in May 2002.

The aim of the Special Session was to:

- (1) to review progress made for children since 1990 specifically by returning to the goals of the [World Summit for Children](#), and
- (2) to make a renewed commitment to children and develop a new global agenda for them in the coming decade.

A follow-up to the Special Session will be held in New York in December. Prior to this '[high-level commemorative event](#)', the African Union will hold a [mid-term review](#) to look at how the African Common Position is being implemented five years after its adoption.

The review will include country reports based on a questionnaire sent to Member States of the African Union. The African Union Commission prepared the [questionnaire](#) with input from the African Committee on the Rights and Welfare of

the Child. The questionnaire will also lay the ground for drafting a State of Africa's Children report.

### **What is the Committee of Experts on the Rights and Welfare of the Child**

The African Committee of Experts on the Rights and Welfare of the Child, which was established in July 2001, monitors the implementation of the African Charter on the Rights and Welfare of the Child. The Committee draws its mandate from Articles 32-46 of the Charter.

The Committee reports to the Assembly of Heads of State and the African Union (AU) every two years. It must also consider any communications it has received about violations of children's rights under Article 44 of the Charter to the AU.

### **What is the African Charter on the Rights and Welfare of the Child**

The African Charter on the Rights and Welfare of the Child spells out the rights that African States must ensure for children living in their jurisdiction. It is the main instrument of the African human rights system for promoting and protecting child rights.

The Charter, which was adopted by the Organisation of African Unity (now the African Union) in July 1990, entered into force in November 1999. The Charter was the first regional treaty to address child rights.

The Charter is divided into two parts of four chapters. Part one deals with the rights, freedoms and duties of the child and has 31 articles. Part two deals with States' obligations to adopt legislative and other measures to implement the provisions of the Charter and has 18 articles.

The African Charter was created partly to complement the UN Convention on the Rights of the Child (CRC), but also because African countries were under-represented in the drafting process of the CRC, and many felt another treaty was needed to address the specific realities of children in Africa.

### **What is the difference between the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child**

The two treaties make many similar provisions and have the same over-arching principles of non-discrimination, participation, the best interests of the child, and survival and development.

Some of the other issues that African States wanted the Charter to include were: children living under apartheid, harmful practices against the girl child, such as female genital mutilation (FGM), internal conflicts and displacement, the definition of a child, the rights of children of imprisoned mothers, poor and unsanitary living conditions, the African conception of communities' responsibilities and duties, weak enforcement and monitoring mechanisms, role of the family in adoption and fostering, and the duties and responsibilities of the child towards the family and community.

For more analysis of the African Charter, see: The Merits and Demerits of the African Charter on the Rights and Welfare of the Child

### **What are its powers and functions?**

The role of the African Committee of Experts on the Rights and Welfare of the Child is to promote and protect the rights spelled out in the African Charter of the Rights and Welfare of the Child.

Its main functions are to:

- collect information
- interpret provisions of the Charter; monitor the implementation of the Charter
- give recommendations to governments for working with child rights organisations
- consider individual complaints about violations of children's rights; and,
- investigate measures adopted by States to implement the Charter by carrying out missions, collecting information, and questioning States (see [Article 45](#) of the Charter).
- The Committee also chooses the theme of the Days of the African Child which are held every year on 16 June to commemorate those killed in the Soweto uprisings in South Africa. See CRIN's [information sheet](#) on previous Days of the African Child.

### **When does the Committee meet?**

The Committee meets twice a year in ordinary sessions of no more than two weeks. It held its first session in July 2001. The chairperson can also convene extraordinary sessions at the request of the Committee or of a State Party to the Charter.

Sessions generally take place at the Headquarters of the African Union in Addis Ababa, Ethiopia, but can be held elsewhere at the Committee's request.

### **Who are the experts?**

The Committee is formed of 11 experts, who

serve in an individual capacity and are elected for a term of five years by the Executive Council.

They are appointed by the Assembly of Heads of States and Government of the African Union. In contrast to the African Commission on Human and People's Rights, Committee Experts may not be re-elected. Click [here](#) for a list of current members.

A [fact sheet](#) has been compiled by the CSO (Civil Society Organisation) Forum for the ACERWC to inform civil society organisations about the nomination process, flesh out specific criteria for potential members, and inspire civil society participation.

Although CSOs cannot nominate candidates, they can influence the selection process by:

- Identifying qualified candidates and lobbying them to serve on the Committee.
- Seeking support for the proposed candidates from government officials working on children's issues or within the Ministry responsible for monitoring the implementation of the African Charter on the Rights and Welfare of the Child.
- Sending a letter to the Ministry of Foreign Affairs with clear, convincing arguments as to why this person would be a good candidate.
- Lobbying the government to ensure the nomination process is truly transparent and that State Parties select candidates on merit rather than for political considerations.
- Lobbying the government to nominate competent and credible candidates.

The process of selecting candidates will vary from State to State. Members are elected by the Executive Council (comprised of the foreign ministers of AU Member States) by secret ballot in a meeting held prior to the AU Summit. Their decision is then passed to the AU Assembly for final approval and adoption.

### **What types of investigations can the Committee undertake?**

The Committee is empowered to undertake two types of investigations under [Article 45](#) of the Charter:

1. on issues arising from the Charter based on allegations of violations of child rights
2. on measures taken by States Parties to implement the Charter.

### **Who would carry out the investigations?**

The Committee could set up sub-committees or working groups to carry out the investigation. The Committee can designate a Special Rapporteur among its members or independent experts to accompany sub-committees, working groups and Special Rapporteurs on their missions.

The Committee will prepare a preliminary mission report on the situation of child rights in the country, and a final report in which it will make recommendations to the State Party concerned. The recommendations will also be sent to other public and private institutions responsible for monitoring and implementing child rights.

### **Will these investigations be followed up?**

The Committee invites a State to submit a written reply with information on measures taken to follow up recommendations made by the Committee after the mission. It could also request additional information on measures taken by the State Party from other institutions and civil society organisations. It could also ask the State to include information about measures it has taken to follow-up recommendations in its next report to the Committee.

### **How does the State reporting process work?**

States were due to submit their initial reports about the measures they have adopted to implement the provisions of the African Charter two years after they have ratified the Charter, and every three years thereafter. The Committee began examining State Party reports in May 2008. Search for reports [here](#). Rapporteurs have been appointed to examine each country's report.

Search for State Party reports to the African Committee [here](#)

[Guidelines for submitting reports](#)

[Guidelines for considering reports](#)

### **How can civil society participate?**

The Civil Society Forum on the Rights and Welfare of the Child, which is now held prior to every session of the African Committee on the Rights and Welfare of the Child, supports the work of the African Committee on the Rights and Welfare of the Child and provides a strong platform for child rights information and advocacy in the region. Read more about the

Forum's work.

## **Does the Committee examine individual complaints?**

Article 44 of the Charter empowers the Committee to consider individual communications alleging a violation of any of the rights enshrined in the Charter. However, States can make reservations on the extent of the Committee's powers.

The Committee's guidelines state that "where a child is capable of expressing his or her opinions, they should be heard by a Committee member." Children may bring complaints under universal human rights treaties if their State is not a party to the African Charter. However, a communication may be presented on behalf of a victim without his consent if the author is able to prove that the complaint has been brought in the supreme interest of the child.

Communications are sent to all Committee members three months prior to each ordinary session.

The Committee may set up a working group to meet before its sessions to consider whether a communication will be accepted. The working group then appoints a rapporteur. The Committee, working group or rapporteur brings the communication to the attention of the State concerned and requests an explanation or written statement within six months. The Committee may also request the presence of the person or group submitting the communication and the State party concerned for more information, clarification or observations.

## **Provisional measures**

While the Committee is considering a communication, it can ask the State concerned to take certain measures to prevent any harm to the child mentioned in the communication, or other children who could be victims of similar violations.

## **African Commission on Human Rights**

### **What is the African Commission on Human and People's Rights**

The African Commission, which was created by Article 30 – 45 of the African Charter on Human and Peoples' Rights, monitors the implementation of the rights set out in the Charter. All 53 African States are Parties to the Charter.

The Commission is formed by 11 independent experts who are nationals of State Parties to the Charter who meet for two 15-day sessions each year which are held in April/ May and October/ November. The permanent Secretariat of the Commission is based in Banjul, the Gambia.

The African Union was created in 2002, replacing the Organisation of African Unity which was established in 1963 to promote cooperation among the newly independent African States, but which did not have a human rights focus.

### **What are the powers and functions of the Commission?**

The Commission promotes human rights through awareness-raising programmes, sets human rights standards, and interprets articles of the Charter.

The Commission protects human rights through its complaints mechanism which empowers it to

receive individual and inter-State complaints alleging human rights violations. The Commission also receives and considers periodic reports that States Parties are required to submit under Article 62 about how they are implementing the Charter.

## **Reporting procedure**

States must submit reports about their progress in implementing the African Charter to the Commission every two years. The reports are considered by the Commission in public sessions, following which it issues recommendations to the reporting State which are called 'Concluding Observations'. However, over half of the State parties to the Charter have not yet submitted any report. [More information](#) on the State Reporting Procedure.

## **NGO participation**

NGOs can submit Alternative reports to give additional information about human rights in their country when their State reports to the Commission, however, this mechanism has been little used in practice as NGOs have been given very little time to review State reports.

NGOs often play a role in bringing cases to the Commission, proposing agenda items for Commission sessions, and providing logistical and other support to the special rapporteurs, working groups and missions, and developing resolutions and new protocols to the African Charter.

## **How does the complaints system work?**

The Commission is authorised to consider both inter-State and individual communications about breaches of human rights. In fact, the Charter binds all States Parties to accept the

Commission's power to supervise and monitor all rights.

The Commission is a quasi-judicial body so its decisions do not carry the binding force of a court of law.

The Commission also has special investigative powers to monitor emergency situations; that is, cases which reveal a pattern of serious or massive violations. It can do this through appointing experts, requesting States to adopt interim measures to protect victims, receiving testimonies, etc.

The inter-State communications procedure has only been used once (Democratic Republic of Congo V Burundi, Rwanda, and Uganda, 15th annual activity report 1001-2 227/99)

For the Commission to consider a complaint, it must meet certain 'admissibility' criteria. These include that the complainant has taken their case to the highest court in their own country without success, or the prospect of success, and, that the communication is not written in 'disparaging or insulting language directed against the State concerned and its institutions'.

## **Guidelines on reporting human rights violations**

### **What about cases of child rights violations?**

Cases of child rights violations are generally reported to the African Committee of Experts on the Rights and Welfare of the Child which can receive complaints of breaches of the African Charter on the Rights and Welfare of the Child. The case below detailing breaches of a group of students' rights in Sudan has been ruled on by the Commission, but there is no information about



the ages of the students.

### **Sudan: Communication 236/2000 - Curtis Francis Doebbler vs. Sudan**

On 13 June 1999, a group of female students at the Nubia Association at Ahlia University held a picnic in Buri, Khartoum along the banks of the river. They were sentenced to 25 - 40 lashes for 'public order' offences, contrary to Article 152 of the Criminal Law of 1991, because they were not properly dressed or acting in a way considered immoral, for example girls danced and talked with boys.

A complaint was brought to the Commission stating that this punishment was carried out in violation of Article 5 of the African Charter on Human and Peoples' Rights which prohibits inhuman or degrading treatment.

The Commission ruled the communication admissible and requested the government of Sudan to:

- Immediately amend the Criminal Law of 1991, in conformity with its obligations under the African Charter and other relevant international human rights instruments
- Abolish the penalty of lashes; and
- Take appropriate measures to ensure compensation of victims

(Decision made at the 33rd Ordinary session in Niamey, Niger 15-29 May 2003)

Read the full judgement [here](#)

### **How does the Commission deal with particular issues of concern?**

The African Commission has established a

number of special mechanisms to monitor thematic issues of concern in the region, there is currently no special mechanism on child rights. The special mechanisms are formed of individual experts or working groups, which include a member of the Commission. The current special mechanisms are:

**Special Rapporteurs:** Prisons and Conditions of Detention in Africa, the Rights of Women in Africa, Refugees, Asylum Seekers, Migrants and Internally Displaced Persons, Human Rights Defenders in Africa, Extra-Judicial, Summary and Arbitrary Executions in Africa, Freedom of Expression in Africa.

**Working groups:** Specific Issues, Indigenous Populations, Economic, Social and Cultural Rights, Robben Island Guidelines, and the Death Penalty.

### **Provisional or interim measures**

The Commission can request that a State adopt certain measures in cases where there is a risk of serious or immediate harm to a person or a group, for example a communication was sent to the Nigerian government requesting them not to execute Ogoni activist Ken Saro-Wiwa.

## **Americas: the Organisation of American States (OAS)**

### **What is the OAS**

The [OAS](#) is a regional inter-governmental body that aims to strengthen democracy and cooperation in the Americas. Its Member States work together to promote human rights, defend common interests, and discuss other major issues facing the region.

Member States set major policies and goals

through the General Assembly, which is made up of the Western hemisphere's ministers of foreign affairs, when they meet once a year. Ongoing actions are guided by the Permanent Council, made up of ambassadors appointed by Member States.

## Who participates in the OAS?

The OAS has 35 Member States from North, Central and South America and the Caribbean. Cuba was excluded from participating in the OAS between 21 January 1962 and 3 June 2009 as a result of tensions of the Castro regime with the United States and some other countries who were persuaded to vote for Cuba's suspension. [Read more](#).

The OAS also offers permanent observer status to States outside the Americas; 57 States and the EU currently have observer status.

## What does the OAS do for children's rights?

The OAS has two general human rights mechanisms which deal with children's rights: the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights.

The inter-American human rights bodies report directly to the OAS Secretary General.

These bodies were created by the OAS Charter and the American Convention on Human Rights.

The OAS Charter was opened for signature in 1948 in a conference in Bogotá, Colombia. The Charter entered into force in 1951 and was amended twice.

Although the Charter does not mention human rights a great deal, it establishes the Inter-American Commission on Human Rights, under Article 53. This Article says that the main function of this Commission is to promote and protect human rights in the region (Article 106).

In the same conference, Member States adopted the American Declaration on the Rights and Duties of Man. This spells out the human rights that those living in the Americas and the Caribbean are entitled to, but the Declaration has no binding legal force. All OAS Members have signed the American Declaration.

The job of the Commission was initially to monitor States' compliance with the rights set out in the American Declaration.

In 1969 the American Convention on Human Rights opened for signature and entered into force in 1979. This sets out the rights that everyone in the States that ratify this Convention can claim, and these States can be held to account if they breach these rights. The Convention also expanded on the Commission's functions. Read the Statute of the Inter-American Commission.

This Convention also created the Inter-American Court of Human Rights. Governments who do not respect or protect the rights spelt out in the American Convention can be held to account by the Court, provided they have accepted the Court's authority to rule on such matters. The Court is a judicial body whose decisions have the force of a court of law.

The Inter-American system has a layered system for protecting human rights.

- All Member States must comply with the rights set up in the American Declaration. Those who do not can be taken to the Inter-American Commission.
- States which have ratified the American Convention on Human Rights. These States must comply with the rights set out in the Convention, but, if they have not accepted the authority of the Court to rule on such cases, they cannot be taken to the Court.
- States which have accepted (usually through a declaration) the authority of the Court to rule on cases – called the ‘contentious jurisdiction’ of the Court – may be held to account by the Court which can issue binding decisions against them. See these [here](#)

OAS. It is composed of seven experts who act independently, without representing any particular country. The members of the IACHR are elected by the General Assembly of the OAS.

### **What are the functions of the Commission?**

The Commission's main function is to monitor compliance and defence of human rights in the Americas. The Commission's powers are derived from the Charter, but other Inter-American human rights conventions and protocols have authorised the Commission to monitor States' compliance of Member States with their obligations regarding these conventions.

### **When does the Commission meet?**

The IACHR meets in ordinary and special sessions several times a year. The ordinary sessions usually last for about two weeks and take place three times a year. During these sessions, the Commission dedicates one week to the hearings and working meetings on various cases and also analyses specific topics or the situation of human rights in a country.

### **Who participates?**

These sessions are important for human rights organisations and advocates because they can provide the Commission with information about a topic and request its intervention in resolving an issue, or appeal for the investigation of a particular situation.

### **How does it work?**

The Commission can consider petitions from individuals who claim their rights have been violated by the state and they have been unable to find justice in their own country. The Commission brings together the petitioner and the

## **Inter American Commission**

### **General Information on the Inter-American System**

#### **What is it?**

The Inter-American Commission on Human Rights (IACHR) is one of two bodies in the inter-American system for the promotion and protection of human rights. The Commission has its headquarters in Washington, D.C.

The other human rights body is the Inter-American Court of Human Rights, which is located in San José, Costa Rica.

The IACHR is an autonomous organ of the Organization of American States (OAS). Its mandate is found in the OAS Charter and the American Convention on Human Rights. The IACHR represents all of the Member States of the

state to 'explore' a friendly settlement'. If such an outcome is not possible, the Commission may recommend specific measures, or may refer the case to the Inter-American Court of Human Rights, as long as the state has accepted the Court's authority to do so (see [Article 64](#)).

Under certain circumstances, the people who believe they are at particular risk may make an urgent appeal to the Commission, which can call on a State to take 'precautionary measures' to prevent irreparable harm.

The Commission may also undertake [country visits](#) for assessing and reporting on the human rights situation of a state. It would then issue recommendations.

The Commission may also give priority to certain issues by creating [rapporteurships](#) to focus on these areas. Current rapporteurs exist in relation to the rights of children, women, indigenous peoples, Afro-descendants, migrant workers, prisoners and displaced persons, and on freedom of expression.

## **Children and Young People's Rights in the Inter-American System: Questions & Answers**

### **What instruments are there in the Inter-American System for protecting and promoting children and young people's rights?**

There is no single instrument that deals specifically with children's rights in the Inter-American System. However, other instruments

can be invoked to report violations of children's rights and to seek reparations for these.

### **Which other instruments can be invoked to protect and promote children's rights in the Inter-American System?**

- American Convention - Articles [5](#), [17](#), [19](#) ([Signatures and Current Status of Ratifications of American Convention on Human Rights](#))
- American Declaration on Human Rights - [Articles 7, 30, 31](#)
- Additional Protocol to the American Convention on Human Rights - [Articles 7, 13, 15](#) and [16](#);
- The Protocol to the American Convention on Human Rights to Abolish the Death Penalty;
- The Inter-American Convention to Prevent and Punish Torture;
- The Inter-American Convention on Forced Disappearance of Persons;
- The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women - [Articles 8 and 9](#);
- The Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities

The Court has, in addition, issued an [Advisory Opinion](#) about "[The Legal Status and Human Rights of the Child](#)" (2002).

More information about these instruments is

available from the Centre for Justice and International Law (CEJIL) at <http://www.cejil.org>

A Rapporteurship on Children's Rights was created in 1998 in response to pressure from NGOs.

### **What does the American Convention say about children's rights?**

Article 19 of the American Convention stresses that children have the right to special protection from the State, but it is not specific about what rights children are entitled to or how these should be upheld. The United Nations Convention on the Rights of the Child (UNCRC) spells out in more detail what rights children are entitled to and how these should be guaranteed. The [Additional Protocol to the American Convention](#) adds that every child has the right to grow up under parental protection and may be separated from his/her mother only in exceptional circumstances. It also enshrines the right of every child to primary education.

### **Can individual violations of children's rights be reported to the Inter-American System?**

Yes, unlike the UNCRC, the American Convention includes provisions for reporting individual cases in which children's rights have been breached. Such cases have helped to establish precedents for protecting children's rights in many countries in the region and States have been ordered to pay compensation to the victims and make other kinds of reparations in addition to changing their legislation.

Read more about the Court's work [here](#)

### **Is there someone appointed to focus specifically on issues relating to child rights at the Inter-American Commission?**

### **What are the duties of the Rapporteur on Children's Rights?**

The Rapporteur carries out studies on issues of concern relating to child rights in the region, undertakes in-country visits, prepares specific chapters on child rights for country and annual reports, and examines individual violations of children's rights. Read about country visits carried out by the Rapporteur on Children's Rights below.

### **Contacts and links:**

For more information about children's rights at the Inter-American Commission on Human Rights, contact:

Rapporteurship on Children's Rights  
1889 F Street, N.W., Washington, D.C., U.S.A.  
Tel: +1 202 458 6002  
Email: [relatorianinez@oas.org](mailto:relatorianinez@oas.org)  
Website:  
[http://www.cidh.oas.org/Ninez/default\\_eng.htm](http://www.cidh.oas.org/Ninez/default_eng.htm)

## **Inter-American Court**

### **What is the Inter-American Court of Human Rights?**

The Inter-American Court of Human Rights is one of two bodies established by the [Organisation of American States](#) to monitor human rights in the Americas. The other is the Inter-American Commission on Human Rights. The Court was created by Article 33b of the American

Convention on Human Rights to safeguard the rights enshrined in the Convention.

The Court, which is based in San José, Costa Rica, was established in 1979. It is made up of seven judges who are elected as independent experts for a term of six years. They may be re-elected once.

### **What are the powers and functions of the Court?**

The role of the Court is twofold:

The Court interprets the articles of the American Convention and other international human rights instruments to give more in-depth guidance about the provisions of the articles and how States might implement them. This is its **consultative** work.

The Court's **contentious** function allows it to make decisions, take protective measures and issue sentences on cases of individual violations of human rights as well as inter-State violations of human rights. However, the Court can only do this in cases where the State concerned has already said it would allow the Court to rule on such cases. Where the State concerned has not accepted the Court's jurisdiction, the case can only be brought before the Inter-American Commission. If the State has not ratified the American Convention, the Commission will apply the American Declaration of Human Rights.

A State may accept the contentious jurisdiction of the Court, which mean it agrees the court can rule on such cases, when it ratifies the American Declaration, at a later date, or on an *ad hoc* basis for a particular case. The declaration of acceptance may be unconditional, conditional, for

a specific case, or for a limited time period.

### **What kinds of cases have been brought before the inter-American Court?**

The first ever case involving a violation of children's rights to be heard by the Inter-American Court was that of five street children who were murdered by police officers in Guatemala in June 1990. The case, which is known as "Bosques San Nicolás," was brought before the Court by Casa Alianza and CEJIL. In 1999 the Court found the State of Guatemala guilty of violating Article 4 of the American Convention on Human Rights which enshrines the right to life. The State was ordered to build a school with a plaque in memory of the victims, pay compensation to the victims' families, investigate the facts of the case and identify and sanction those responsible, and adapt its domestic legislation in accordance with Article 19 of the American Convention. Read more information about this case below.

Some of the other cases to come before the Court and establish important precedents include:

- extra-judicial executions of street children in Guatemala (*Villagrán Morales and others v. Guatemala*)
- the conditions of detention facilities for children in Paraguay (*Instituto de Reeducción del Menor v. Paraguay*)
- discrimination on the basis of nationality in the Dominican Republic (*The Yean and Bosico Girls v. Dominican Republic*)

Read more below under Judgements

## How can I submit a complaint to the Court?

Only the Inter-American Commission and States Parties to the American Convention may submit complaints directly to the Court (according to [Article 61.1](#) of the American Convention). If you are an individual, group or organisation, you must submit complaints to the Inter-American Commission; if the complaint meets certain requirements, the Commission will refer the case to the Court. [More information about submitting a complaint](#)

## How can civil society influence the Court's work?

Civil society organisations cannot present cases directly to the Inter-American Court; they must submit allegations of human rights violations to the Inter-American Commission. If the Commission determines the case ‘admissible’, it will refer it to the Court.

A civil society organisation may try and obtain ‘[provisional measures](#)’, which are orders issued by the Court which protect a victim or other party while a case is being processed. This term is explained in more detail below. The organisation can only request these measures directly from the Court if the case has already been passed to the Court by the Commission. If the case is not known to the Court, the organisation must approach the Commission to issue ‘[precautionary measures](#)’.

The only way civil society organisations can influence the Court’s consultative function – that is its work in interpreting the American Convention and other international human rights instruments – is by presenting third party written statements (or *amicus curiae*) on a particular

theme under investigation. The Court, however, does not have to take these statements into account.

## Advisory opinions

The Inter-American Court can, if asked by the Commission or by a State party to the American Convention, issue [Advisory Opinions](#). These Opinions are a way for the Court to give its interpretation of particular aspects of the Convention.

To date, the Court has one Advisory Opinion on Child Rights:

- [Advisory Opinion 17 on the Legal Status and Child Rights](#)

The Court has also confirmed the human rights obligations of Member States of the Organization of American States (OAS) to prohibit and eliminate all corporal punishment of children, following a request for an Advisory Opinion by the Inter-American Commission. The full text of the Court’s decision is available in [English](#) (unofficial translation) and [Spanish](#).

The Inter-American Commission has also issued a [report](#) with recommendations for OAS Member States on steps to abolish corporal punishment.

## Provisional measures

The Court can order a State to take ‘provisional measures’ to protect victims of human rights violations, witnesses, family members of the victim, or others from immediate or serious harm while a case is being processed. The Court monitors compliance with provisional measures, ordering the State to report within a specified time frame on the steps it has taken to comply with the order. Provisional measures can only be

requested if the Court is already aware of the case, otherwise petitioners must seek precautionary measures from the Commission.

An example of provisional measures ordered by the Court is that of children and young people detained in the “Complexo do Tatuapé” of FEBEM (the State prison system) in Brazil in November 2005.

The “*Complexo do Tatuapé*” holds approximately 1,600 children and young people. In 2004, 28 riots broke out in different units of the complex, while 15 erupted in the first five months of 2005. The Inter-American Commission received information suggesting the causes of the riots, some of which were violent, had not been investigated. Escape attempts, poor conditions of detention and mistreatment were among those factors thought to have sparked the unrest. On 8 October 2005, the IACHR asked the Court to order the Brazilian State to take provisional measures protecting the life and physical integrity of the children and young people detained in the complex.

The Court ordered provisional measures to: reduce overcrowding; seize weapons possessed by young inmates; provide necessary medical attention; carry out periodic supervision of the detention conditions, and the physical and emotional state of the detainees; plan protection measures with the participation of the young people affected; forward an updated list of all young inmates in the Complex with information about their identity, date and time of entrance, eventual transfer and liberation, etc. and report on provisional measures adopted every two months.

## **Judgements**

For more details of particular children's rights cases brought to the Inter-American Court, see CRIN's legal database:

<http://www.crin.org/Law/search.asp>

and CRIN's CRC in Court database:

[http://www.crin.org/Law/CRC\\_in\\_Court/index.asp](http://www.crin.org/Law/CRC_in_Court/index.asp)

For more information, contact:

### **Inter-American Court of Human Rights**

Apartado Postal 6906-1000, San José, Costa Rica

Teléfono: (506) 234 0581; Fax: (506) 234 0584

Email: [corteidh@corteidh.or.cr](mailto:corteidh@corteidh.or.cr)

Website: <http://www.corteidh.or.cr>

## **Other Regional Bodies/Groupings:**

### **MERCOSUR**

#### **What is MERCOSUR**

MERCOSUR is an economic and political bloc of South American States which has been compared to the European Union. It stands for el Mercado Común del Sur (the Common Market of the South).

MERCOSUR was founded by Argentina, Brazil, Paraguay and Uruguay in 1991 under the Treaty of Asunción. The initial goal of MERCOSUR was to establish a common economic market. In 1998 it also created a political forum with the aim of establishing common positions and resolving issues affecting the region. The political mechanism was expanded in December 2006 with the creation of a common parliament. The parliament, which first met in May 2007, will



serve as an advisory committee for full Member States.

## Membership

**Full members** : Argentina, Brazil, Paraguay and Uruguay, Venezuela's full membership is pending.

**Associate members:** Chile, Bolivia, Colombia, Ecuador and Peru

The presidency of MERCOSUR rotates on a six-monthly basis between full members; Paraguay currently holds the presidency.

## Child rights and MERCOSUR: Niñ@sur Iniciativa

Niñ@sur is an initiative of MERCOSUR which aims to promote national efforts in Member States to implement the UN Convention on the Rights of the Child.

The aims of Niñ@sur include:

- To promote dialogue and share experiences among MERCOSUR States to achieve the Millennium Development Goals (MDGs) and improve children and young people's lives in the region;
- To encourage changes to internal legislation in compliance with international human rights instruments relating to children, such as the UN Convention on the Rights of the Child, in particular Article 4 of the Convention which commits States to making the budget allocations necessary for advancing child rights. This includes creating a legal database containing relevant national laws and their degree of

compliance with relevant international instruments.

- To encourage coordination between States on thematic issues including sexual exploitation, trafficking, child pornography, child labour, and migrant workers and their families.
- To promote regional meetings with relevant authorities on human and child rights with the aim of institutionalising these issues within MERCOSUR's political and social agenda.
- Other non-State actors are also involved in the initiative. International and regional bodies such as UNICEF, UNDP, the Organisation of American States and Inter-American Commission on Human Rights offer technical assistance. Civil society organisations may also contribute their experiences and observations.

## Children's rights advocates and civil society

The presidency rotates between Member States every six months. Children's rights networks in these countries also rotate coordination of lobbying according to which country holds the presidency. They inform organisations in the other countries about what is going on, any deadlines and joint submissions required. Although the agenda is State-led, civil society organisations have succeeded in lobbying for a short space at the end to make a statement.

## Niñ@sur documents

- Niñ@sur Work Plan 2006-07 [in Spanish]

- Recommendations on the rights of and assistance for children and young people who have been victims of trafficking or sexual exploitation [in Spanish]

## Child Rights and the League of Arab States

### What is the League of Arab States

The league of Arab States, or Arab League, is a voluntary association of countries whose peoples are mainly Arabic speaking.

The League was founded in Cairo in 1945 by Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Transjordan (Jordan from 1950), and Yemen.

Countries that later joined are: Algeria (1962), Bahrain (1971), Comoros (1993), Djibouti (1977), Kuwait (1961), Libya (1953), Mauritania (1973), Morocco (1958), Oman (1971), Qatar (1971), Somalia (1974), Southern Yemen (1967), Sudan (1956), Tunisia (1958), and the United Arab Emirates (1971). Palestine is also a member.

Read the Arab States charter [here](#).

Egypt's membership was suspended in 1979 after it signed a peace treaty with Israel, so the league's headquarters was moved from Cairo, Egypt, to Tunis, Tunisia. In 1987 Arab leaders decided to renew diplomatic ties with Egypt, and it was readmitted to the league in 1989. The league's headquarters moved back to Cairo.

The main goal of the League, as described in the Charter, is to: “draw closer the relations between members States and co-ordinate collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries.”

### What does it have to do with child rights?

In 1992, the First Arab High Level Conference on Children convened in Tunis and adopted a set of global goals for the year 2000. The build-up to the United Nations [Special Session on Children](#), which convened in 2002, offered an opportunity to build on these initial discussions.

In preparation for the region's participation in the Special Session, the League of Arab States invited members in June 2000 to undertake national reviews of the situation of children and to participate in preparations for the special session.

The Arab High Level Conference on the Rights of the Child took place from July 1 to 4, 2001 in Cairo and concluded with the adoption of a draft declaration and framework for action on the rights of children for the period 2001-2010. This was called “An Arab World Fit For Children: Mechanisms for Joint Arab Action and an Arab Common Position”. The meeting brought together some 15 delegates from all 22 member countries of the League of Arab States at the League's headquarters. The delegations, mostly led by ministers, also included civil society representatives, experts, and 33 young people, who convened separately to prepare for the meeting.

The Beirut Summit (March, 2003) adopted the “Arab World Fit for Children” declaration which had been issued by the Second Arab High level Conference on the Rights of the Child, in Cairo. This mirrored the “[World Fit for Children](#)” outcome document of the [UN Special Session on Children](#).

More recently, the Arab Summit in Tunis (March, 2004) issued a Plan of Action 2004-15 which identifies strategies for achieving the Millennium Development Goals and improving the situation of children in the region. Read the [Final Report, Recommendations and Resolutions, The Tunis Declaration, Youths Statement](#).

Other events which have taken place include the First Arab Media Forum on the Rights of the Child and Media, which took place in Dubai, from 6 to 9 December 2004 and the “Fourth Arab High-Level Conference on the Rights of the Child” held in Marrakech, Morocco, from 19 to 21 December 2001

### **The Arab Charter on Human Rights and the CRC**

The [Arab Charter on Human Rights \(ACHR\)](#) was adopted by the Council of the League of Arab States by its resolution 5437 (102nd regular session) on 15 September 1994. The ACHR entered into force on 15 March 2008, 60 days after ratification by the seventh state, the United Arab Emirates, on 15 January 2008.

However, the then United Nations High Commissioner for Human Rights, Louise Arbour, noted that the Charter contains provisions that do not meet international norms and standards, including the application of the death penalty for children, and the treatment of women and non-citizens. She had initially endorsed the Charter.

Under the Arab Charter, the death penalty can be applied to children in certain circumstances, in contradiction with its prohibition in the UN Convention on the Rights of the Child.

[Article 37](#) of the Convention on the Rights of the Child forbids the death penalty for children under

the age of 18 years. However, [Article 7](#) of the Charter states:

“Sentence of death shall not be imposed on persons under 18 years of age, unless otherwise stipulated in the laws in force at the time of the commission of the crime.”

But, another provision in the Charter, Article 43, says:

“Nothing in this Charter may be construed or interpreted as impairing the rights and freedoms protected by the domestic laws of the States parties or those set forth in the international and regional human rights instruments which the States parties have adopted or ratified, including the rights of women, the rights of the child and the rights of persons belonging to minorities.”

Read CRIN's story on the Charter [here](#)

Read [an explanation of the Charter, and discussion of the death penalty, by Professor Kamel Filali, former Vice Chairman of the CRC](#)

### **How does the League work?**

The League is composed of a:

#### **Council**

Included in the Council’s subsidiary bodies are the: Arab Women's Committee, Human Rights Committee, Cultural Committee, Health Committee and the Organisation of Youth Welfare

According to the provisions of the Charter, the Council of the League is the ‘supreme authority’ within the League system.

The Charter defines the formation, competence,

and rules of procedure and voting of the Council. It is made up of the representatives of Member States, usually at the level of foreign ministers, their representatives or permanent delegates.

The Council is mainly concerned with putting into practice the objectives of the League and implementing the plans and programmes drawn up by Member States.

In addition, the Council can decide on applications for membership and accept withdrawals from the League. It can also consider the introduction of amendments to the Charter.

The Council also mediates in disputes between two Member States, or a Member State and a third party.

The Council meets twice a year, in March and September in regular sessions and may convene in extraordinary sessions if need be and upon the request of two or more of the Member States.

Read the [internal regulations](#) of the Council.

### **General Secretariat**

The [internal regulations](#) of the Secretariat provide that: "The Secretary-General shall, in the name of the League, implement the resolutions of the Council and shall take the financial measures within the limits of the budget approved by the Council. He shall also, in his capacity as Secretary-General of the League, attend the meetings of the Council of the League and of the Committees, and shall perform such other duties as may be entrusted to him by these bodies."

Departments include the Conference Secretariat, the Finance and Administrative Department, the

Political Department and the Economic, and Communication Affairs Department.

**Other** subsidiary bodies of the League include the Defence and Economic Cooperation Bodies, the Arab Deterrent Force and the Arab Labour Organisation.

## **Children's Rights and the Association of Southeast Asian Nations (ASEAN)**

### **Children's Rights and the Association of Southeast Asian Nations**

The Association of Southeast Nations (ASEAN) was established as a political body which strives to promote regional co-operation on political and economic issues in Southeast Asia.

The [Asean Charter](#) came into force on the 15 December 2008. It codifies ASEAN norms, rules and values whilst creating a legal framework for the organisation's institutions. The foundational purposes of the Charter include the promotion and protection of human rights and fundamental freedoms, while Article 14 states that ASEAN will establish a human rights body in accordance with the terms of reference to be determined by the ASEAN Foreign Ministers Meeting.

There are currently ten members of ASEAN: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam.

### **ASEAN's Intergovernmental Commission on Human Rights (AICHR)**

ASEAN opened its Intergovernmental

Commission on Human Rights in October 2009. The organisation has 10 Commissioners, one from each Member State, and its purposes require it to “promote and protect human rights and fundamental freedoms of the peoples of ASEAN”, as well as “upholding the right of peoples of ASEAN to live in peace, dignity and prosperity”. Within the mandate of the AICHR is the task of developing an ASEAN Human Rights Declaration which, when completed, will provide a roadmap for regional human rights development.

Human rights organisations in the region have stated that the Commission's mandate to “promote human rights within the regional context, bearing in mind national and regional particularities and mutual respect for different historical, cultural and religious backgrounds” is weak, particularly in light of the fact that one of its members, Myanmar, is repeatedly criticised for being one of the world's worst human rights violators. The body lacks the ability to implicate individuals or countries that have committed abuses.

The Commission has also come under fire for its lack of transparency, with eight of the commissioners being appointed by their respective government appointees. Read more: [Hiding Behind Its Limits: A performance report on the first year of the ASEAN Intergovernmental Commission on Human Rights](#)

### Read More

- [Towards an ASEAN Human Rights Mechanism: A Concept Paper](#)

## ASEAN Commission on Women and Children (ACWC)

At the 14<sup>th</sup> [ASEAN Summit on 28 February- 1 March 2009](#), ASEAN Leaders adopted the [Cham Hua Hin Declaration on the Roadmap for the ASEAN Community \(2009-2015\) which emphasised the need to set up a specific body to promote and protect women and children's rights.](#)

The Women and Children's Commission opened in April 2010, tasked with promoting and protecting women and children's rights, building judicial and administrative capacity, and promoting data collection and research. The Commission held its first meeting in February 2011, and has since developed a five year work plan, establishing its priorities, specifically violence against and trafficking of women and children, women and children affected by HIV and AIDS and the protection of the rights of women and children with disabilities.

Each Member State appoints two Commissioners, one for women and one for children. Each Commissioner is appointed for a three year term and may be reappointment for a second consecutive term. The Committee has been criticised by some for a perceived lack of independence, with commentators noting that Commissioners tend to be current and former civil servants rather than independent experts.

Like the AICHR, the ACWC is bound by ASEAN's policy of non-interference in the internal affairs of Member States, which is a considerable limit on the Commission's protection mandate. The Commission has also received criticism for its lack of transparency and failure to consult with NGOs.

## Read more:

- [ASEAN: Cautious welcome for Women and Children's Commission](#)
- [ASEAN: No hope in sight for NGO participation](#) (Jakarta Post, March 2010)
- [Campaign: The future of children's rights- in whose hands?](#)
- [ASEAN: Human right's body's shaky beginnings](#) (October 2009)
- [ASEAN: Human rights body's shaky beginnings](#) (October 2009)
- [ASEAN: Submission of Child Rights Groups on the Terms of Reference of the ASEAN Commission on Women and Children](#) (Southeast Asia Coalition to Stop the Use of Child Soldiers, September 2009)

## Economic Community of West African States (ECOWAS)

### What is ECOWAS?

The Economic Community Of West African States (ECOWAS) is a regional group of fifteen countries, founded in 1975. Its mission is to promote economic integration in "all fields of economic activity, particularly industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions, social and cultural matters ....." ECOWAS is one of the pillars of the [African Economic Community](#).

The ECOWAS Member States are: Benin, Cape Verde, Cote D'Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo.

ECOWAS was an attempt to overcome the isolation of most West African countries following the colonial period and the period of post-independence nationalism.

See the ECOWAS Treaty [here](#)

### What does it have to do with child rights?

Article 4(g) of the ECOWAS Treaty guarantees its peoples: "The recognition, promotion and protection of human and people's rights in accordance with the provisions of the African Charter on Human and People Rights."

### The Commission

The Office of the Commissioner for Human Development and Gender, part of the Commission, created the Gender, Youth and Child Division in 2003. Projects of the Division include the **Youth Programme** and the **Child Development Programme**. The First ECOWAS Youth Forum was held from 10 to 16 August 2003 in Abuja, Nigeria. The forum provided a space where young people from across West Africa could interact, share experiences and learn lessons. The ECOWAS Child Development Programme is "devoted to the improvement of the quality of children's lives, enhancing their dignity, protecting their inalienable rights, giving attention to their physical, mental, moral and spiritual development and welfare." Early childhood development activities include low-cost family and community-based intervention.

The objectives of the Child Programme are to:

- Facilitate the development, welfare and rights of children in the region Ensure



Member States adherence to the Convention on the Rights of the Child

- Strengthen the capacities of social service providers and other child care agencies for the greater development, protection and care of children.

## **The Community Court of Justice**

Considerable optimism surrounds the potential of the Community Court of Justice, especially the African Court of Human and Peoples' Rights.

The Court first justices were sworn in on 2 July 2006, and has been receiving cases since 2008. The Court has jurisdiction to hear human rights cases provided that applications are not anonymous and not made while the same matter is pending before another international court for adjudication. Established under Article 15(1) of the Revised Treaty as the principal legal organ of the Community, its mandate is defined by Article 76(2) of the Treaty and by the Protocol on the Community Court of Justice.

The Court can rule on allegations of human rights breaches, and also issue “advisory opinions”, when someone asks for clarification of a legal matter. The Court publishes its decisions online.

## **The ECOWAS Peer Review of the Situation of Children**

The peer review proposal was discussed by ECOWAS Experts and Ministers, as well as Heads of State and Government, in November 2002. There is little information as to how the

Review has progressed in subsequent years.

The ECOWAS initiative was created in the larger context of the NEPAD Peer Review, the follow-up to the Special Session on Children and the ECOWAS Declaration on the Decade of a Culture of the Rights of the Child in West Africa (2001-2010). It outlines the objectives of the mechanism, principles for its conception and implementation, and elements of the mechanism (participation, process, secretariat and periodicity).

The Review provides for the examination and assessment of the performance of a State by other States, with the ultimate goal of helping the reviewed State to improve its policy making, adopt best practices, and comply with established standards and principles. The examination is conducted on a non-adversarial basis, and relies heavily on mutual trust among the States involved in the review, as well as their shared confidence in the process. Peer reviews tend to create a system of mutual accountability.

As part of the follow-up to the 1990 World Summit for Children, many regions put in place inter-governmental mechanisms at the ministerial and/or heads of state and government level to monitor the implementation of the World Declaration and Plan of Action. Lessons learned from these experiences in Latin America and East Asia were used for the proposal of an ECOWAS peer review mechanism.

## **How does it work?**

ECOWAS is made up of:

- The Commission

Makes recommendations and gives advice. This is in turn composed of: Office of the President, Office of the Vice President, Office of the Commissioner for Administration and Finance, Office of the Commissioner for Agriculture, the Environment and Water Resources, Office of the Commissioner for Human Development and Gender Office of the Commissioner for Infrastructure, Office of the Commissioner for Macro-Economic Policy, Office of the Commissioner for Political Affairs, Peace and Security Office of the Commissioner for Trade, Customs and Free Movement

- The Community Parliament

This is comprised of the Assembly of the peoples of the Community, members deemed to represent all citizens of West Africa. It is comprised of a political and an administrative wing.

- The Community Court Of Justice
- The ECOWAS Bank for Investment and Development (EBID)

This is in turn made up of a Council of Ministers, the Office of the Commissioner for Infrastructure, the Office of the Commissioner for Macro-Economic Policy, the Office of the Commissioner for Political Affairs, Peace and Security and the Office of the Commissioner for Trade, Customs and Free Movement

The ECOWAS Commission and the ECOWAS Bank for Investment and Development, more often called The Fund, are its two main

institutions designed to implement policies, pursue programmes and carry out development projects in Member States. Such projects include intra-community road construction and telecommunications; and agricultural, energy and water resources development.

### More information

Read:

- [The legal protection of human rights within the framework of ECOWAS The law, practice and procedure of the Community Court of Justice](#)
- [ECOWAS: Court procedure and the application of protocols](#)

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Garki, Abuja  
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Web: <http://www.ecowas.info/>

## 3. National

### General Measures of Implementation

#### Introduction

When a State ratifies the CRC, it becomes obliged under international law to implement its provisions.

This is enshrined in [Article 4 of the CRC](#).

In September 2003, the Committee on the Rights of the Child published its General Comment no.5 on general measures of implementation for the Convention on the Rights of the Child.



This was important because it outlines broad ways in which the Convention can be implemented.

It says: “Ensuring that all domestic legislation is fully compatible with the Convention and that the Convention’s principles and provisions can be directly applied and appropriately enforced is fundamental.” You can read the rest of the General Comment [here](#)

The Committee’s reporting guidelines arrange the Convention’s articles in clusters, the first being on “general measures of implementation”. Article 4 is grouped with [article 42](#) (the obligation to make the content of the Convention widely known to children and adults) and [article 44](#), paragraph 6 (the obligation to make reports widely available within the State).

In addition to these provisions, other rules for general implementation are set out in [article 2](#).

Article 3, paragraph 2, also talks about protecting and caring for children, noting that the rights and duties of parents, guardians, and people responsible for the child must also be taken into account to achieve this. Read the [rest of this article](#)

This page gives an overview of the different general measures, including a brief description and links to other relevant sources of information.

- **General Measure of Implementation 1: The process of law reform**

States parties should review national legislation

and ensure that national laws are compatible with the rights set out in the CRC. Additionally, States are urged to review and withdraw any reservations made on Convention articles and to ratify other relevant international instruments such as the two Optional Protocols.

A more comprehensive list of international instruments can be found in annex I of [General Comment no.5](#).

- **General Measure of Implementation 2: Development of independent human rights institutions for children**

The establishment of independent human rights institutions for children should not substitute, but rather be complementary to self-monitoring governmental institutions. The Committee elaborates on this issue in its General Comment no.2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child. For more information on General Comment no.2 [click here](#).

These institutions should be geared towards promoting and safeguarding the rights of the child. Increasingly, states are establishing independent human rights institutions for children – either separate children’s ombudspersons or children’s rights commissioners, or focal points on children’s rights within general human rights commissions or ombudsman offices. In Europe, children’s institutions from twelve countries joined forces to form the European Network of Ombudspersons for Children (ENOC) in 1997. By 2007, it had grown to include 32 institutions in 23 countries. More information can be found on the ENOC website.

- **General Measure of Implementation 3:**

## **Development of comprehensive strategies or agendas for children**

In order to promote and protect the rights of the child at all levels, States parties need to develop a comprehensive national strategy for children based on the CRC. The strategy must set realistic and achievable targets and must include adequate allocation of human, financial and organisational resources.

- **General Measure of Implementation 4: Development of permanent governmental coordination mechanisms**

Full implementation of the CRC requires effective coordination both horizontally between government agencies and departments and vertically across different government levels, from local, regional to central, but also between the government and the private sector.

Different governments have found different ways to ensure the coordination of child rights, for example by appointing a Commissioner, or by delegating the responsibility to a Council, or specific government department.

- **General Measure of Implementation 5: Systematic monitoring – data collection and evaluation**

Two kinds of monitoring can be distinguished: the first is the monitoring of violations, the second is monitoring the implementation of the Convention.

The Committee encourages States to use different methods for the collection of qualitative and quantitative data. These can include interviewing children directly and asking them for their opinions and views. However, it is important that data are not only collected, but also properly evaluated and the outcome used to influence

policy.

- **General Measure of Implementation 6: Allocation of resources for children (budget analysis, etc)**

States are expected to allocate a budget for children “ to the maximum extent of their available resources ”. Steps should be taken at all levels of Government to ensure that economic and social planning and decision-making and budgetary decisions are made with the best interest of children as a primary considerations and that children are protected from the adverse effects of economic policies or financial downturns.

- **General Measure of Implementation 7: Education, training and awareness-raising on the CRC**

Awareness raising on the CRC should be geared towards adults and children alike. The text of the Convention should be widely available and be presented in understandable language, e.g. by publishing a child-friendly version of the CRC. Additionally, State reports submitted to the Committee should be easily and widely accessible by the general public.

As part of the process of creating awareness, children need to learn about their rights and the CRC. This should be incorporated into the school curriculum at all stages.

Furthermore, education should extend to training and capacity building of personnel working with children. These include child psychologists, teachers, health and social workers, the police and others.

- **General Measure of Implementation 8:**

## Collaboration in the process of implementation with civil society including children

In its general comment no.5 the Committee says that “Implementation is an obligation for States parties, but needs to engage all sectors of society, including children themselves. NGOs, the media, civil society and in particular children and young people should participate and be directly involved in the process.

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### Sources

Committee on the Rights of the Child  
General Comment no.5 on General measures of implementation (2003)

<http://www.crin.org/resources/infoDetail.asp?ID=3722&flag=report>

Committee on the Rights of the Child  
Overview of all General Comments  
<http://www.crin.org/resources/infoDetail.asp?ID=8043&flag=report>

European Network of Ombudspersons for Children  
<http://www.ombudsnet.org/enoc/>

OHCHR  
Fact Sheet no.10 (Rev1) The Rights of the Child  
<http://www.unhcr.ch/html/menu6/2/fs10.htm>

UNICEF Innocenti Research Centre  
The General Measures of the Convention on the Rights of the Child – The Process in Europe and Central Asia.  
<http://www.unicef-icdc.org/publications/pdf/crcmeasures.pdf>

## National Plans of Action

### What are National Plans of Action (NPAs)?

States were first encouraged to set out National Plans of Action for the implementation of children’s rights following the first World Summit for Children, held in 1990.

The outcome document of the United Nations General Assembly Special Session on Children, in 2002, also commits States “to develop or strengthen as a matter of urgency if possible by the end of 2003 national and, where appropriate, regional action plans with a set of specific time-bound and measurable goals and targets based on this plan of action ...”.

These plans were to be based on specific, time-bound and measurable goals. More importantly, they were required to take the best interests of the child into account.

Action plans had to be consistent with national laws and, at the same time, uphold the human rights and fundamental freedoms set forth in the Convention on the Rights of the Child.

### The Committee on the Rights of the Child

In 2003, the Committee on the Rights of the Child, in its General Comment (what is this?) number 5, talked about National Plans of Action in its guidance on implementation of the Convention (this guidance contained a number of different instructions collectively called ‘General Measures of Implementation’). The Committee said::

“In order to promote and protect the rights of the

child at all levels, States parties need to develop a comprehensive national strategy for children based on the CRC. The strategy must set realistic and achievable targets and must include adequate allocation of human, financial and organisational resources... The Committee commends the development of a comprehensive national strategy or national plan of action for children, built on the framework of the Convention.”

**The Committee on the Rights of the Child has emphasised that making particular commitments at global meetings does not in any way reduce States Parties’ legal obligations under the CRC. Therefore, preparing specific NPAs in response to the Special Session does not reduce the need for a comprehensive implementation strategy for the CRC.**

The States Parties to the UN Convention on the Rights of the Child are expected ‘to take into account the recommendations of the Committee on the Rights of the Child when developing and/or reviewing their national strategies.

### **What should they include?**

Among other measures, the Committee urged States to ensure that National Plans of Action:

- Include a process of consultation, including with children and young people and those living and working with them, through special child-sensitive materials;
- Identify and prioritise marginalised and disadvantaged groups of children; the non-discrimination principle in the Convention requires that all the rights guaranteed by the Convention should be recognised for all

- Include description of a sustainable process for realising the rights of children throughout the State; it must not merely be about good intentions. It must include real and achievable targets
- Be endorsed at the highest level of government
- Be linked to national development planning and included in national budgeting; otherwise, the strategy may remain marginalised outside key decision-making processes
- May include elaboration in limited sectors – e.g. education and health - with specific goals, targeted implementation measures and allocation of financial and human resources;
- Include a strategy for information dissemination throughout government and to the public, including children, with child-friendly versions and appropriate languages and forms;
- Although it will inevitably set priorities, it must not neglect or dilute in any way the detailed obligations which States parties have accepted under the Convention
- Include arrangements for monitoring and continuous review, for regular updating and for periodic reports to parliament and to the public.

Concluding Observations issued by the Committee on the Rights of the Child systematically draw attention to National Plans of Action drawn up by States.

While commending those States that have established NPAs, the Committee has also often been critical of their nature and form. It has noted, for example, that NPAs may fail to include all of the rights in the Convention, and are not backed up with financial commitments in budgets. Of course, the Committee has also criticised those countries which have not drawn up NPAs at all.

To see examples, visit our CRC documentation page:

<http://www.crin.org/docs/resources/treaties/crc.25/annex-vi-crin.asp>

### Further information

CRIN's Reader on national plans of action for children:

<http://www.crin.org/docs/resources/publications/crin-reader-2.doc>

Save the Children Canada:

- [Involving Children and Young People in National Plans of Action for Children](#) (June 2003)
- [Shaping a Country's Future with Children and Young People: National Plans of Action for Children](#) (January 2003)
- [Shaping a Country's Future: Summary Guide for Civil Society](#) (January 2003)
- [Shaping a Country's Future: A Summary Guide for Governments](#) (January 2002)

[UNICEF: National Plans of Action](#)

### Examples of National Plans of Action

- Palestine  
<http://www.npasec.gov.ps/index.htm>

- Zimbabwe  
<http://www.zimrelief.info/files/attachments/doclib/NPA%20for%20OVC.pdf>
- Australia  
[http://www.facs.gov.au/internet/facsinternet.nsf/vIA/families/\\$file/tomorrows\\_children.pdf](http://www.facs.gov.au/internet/facsinternet.nsf/vIA/families/$file/tomorrows_children.pdf)
- Canada [http://www.phac-aspc.gc.ca/dca-dea/npa-pan/main\\_e.html](http://www.phac-aspc.gc.ca/dca-dea/npa-pan/main_e.html)
- Bangladesh  
[http://www.unescobkk.org/fileadmin/user\\_upload/efa/BangladeshNatlPlan.pdf](http://www.unescobkk.org/fileadmin/user_upload/efa/BangladeshNatlPlan.pdf)
- India <http://wcd.nic.in/NAPAUG16A.pdf>
- The Netherlands  
[http://www.minvws.nl/images/304866\\_binnen\\_gb\\_tcm20-108240.pdf](http://www.minvws.nl/images/304866_binnen_gb_tcm20-108240.pdf)
- China  
[http://www.unicef.org/china/plan\\_of\\_action.html](http://www.unicef.org/china/plan_of_action.html)
- Jordan  
[http://www.ncfa.org.jo/policy/actionplan\\_children.cfm](http://www.ncfa.org.jo/policy/actionplan_children.cfm)
- Sri Lanka  
[http://www.humanitarianinfo.org/srilanka/docs/National\\_Plan.pdf](http://www.humanitarianinfo.org/srilanka/docs/National_Plan.pdf)
- Belize <http://www.mohd.gov.bz/npa.html>
- Namibia  
[http://portal.unesco.org/education/en/ev.php-URL\\_ID=18106&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=18106&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- Nepal <http://www.ccwb.gov.np/Ten%20Years%20National%20Plan%20of%20Action%20for%20Children.pdf>

- Italy  
[http://www.minori.it/cd/cd\\_lucca\\_2003/0/0.2\\_en.pdf](http://www.minori.it/cd/cd_lucca_2003/0/0.2_en.pdf)
- South Africa  
<http://www.info.gov.za/otherdocs/1996/childprog.htm>

*headed by an independent, high-level public official who is responsible to the legislature or parliament, who receives complaints from aggrieved persons against government agencies, officials, and employees or who acts on his own motion, and who has the power to investigate, recommend corrective action, and issue reports* (Ombudsperson Committee, International Bar Association Resolution, 1974)

## **Children's Ombudspersons (Independent Human Rights Institutions for Children)**

### **Why establish an Ombudsperson?**

#### **The concept of Ombudsperson**

Ombudsperson offices are often referred to as Independent Human Rights Institutions. An ombudsperson or ombudsman means “Representative”. Other words sometimes used to refer to a similar role include: Commissioner, Bureaux, mediator, and defender.

An ombudsperson is an individual who acts as a “citizen defender”, dealing with complaints from the public about injustice and maladministration by government agencies. Some receive complaints from individuals and might have the authority to mediate between citizens and authority. Others might have the power to bring cases to court.

The first such role was established in 1809 in Sweden and was called an Ombudsman for Justice. Today, ombudsperson-like institutions exist in over 100 countries in Europe, Latin America, Asia and Africa. They may focus on a specialised field, such as an ombudsperson for children.

#### **Definition:**

*An office provided for by the constitution or by action of the legislature or parliament and*

- To improve the performance of public administration
- To improve government accountability to the public
- To improve citizens' access to the administration

#### **Some essential characteristics of an Ombudsperson include:**

- Independence from the government: an ombudsperson should stand above party politics, be totally impartial and fair and be able to criticise and make recommendations [See also the Paris Principles]
- Broad powers to investigate: ombudsperson must be free to look into any issue that falls within their mandate without prior approval from the authorities.
- Offices must be adequately resourced, free from government financial control and able to handle complaints free of charge.

### **An Ombudsperson for children**

The first specialised ombudsperson for children was established in Norway in 1981. The role of

an ombudsperson for children is to:

- Promote and protect the rights and interests of children
- Improve access to existing rights
- Promote recognition of human rights not yet embodied in legislation or practice

Different countries have different systems, so there may be either a separate children's ombudsperson or children's rights commissioner, or there may be focal points for children's rights which exist within general human rights commissions or ombudsperson offices.

Read more [here](#)

## **The UN Convention on the Rights of the Child**

The Committee on the Rights of the Child [link], the body responsible for monitoring the implementation of the UNCRC, has consistently emphasised the vital role of children's ombudspersons in monitoring, promoting and protecting children's rights.

It has encouraged States parties [link] to the UNCRC to develop independent human rights institutions for children, which should be given a broad mandate in law, specific functions, powers and duties relating to children and their rights as per the UNCRC . More specifically:

1. **Article 4** of the UNCRC states that: "governments must undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the CRC"

2. **General Comment No 2** on the role of

independent national human rights institutions in the promotion and protection of the rights of the child.

3. The Committee published '**General Measures of Implementation**' for the UNCRC which outlines broad ways in which the Convention can be implemented. General Measure number two concerns the development of independent human rights institutions for children.

## **Why an Ombudsperson for children?**

Children are a **particularly vulnerable group**: they are vulnerable to human rights violations and are dependent on adults

Children have **no political power**: they have no vote and no access to lobbies that influence government agendas

Children have limited access to **complaints mechanisms**, legal systems and courts

## **Activities of an Ombudsperson for children**

These would include:

- Influencing policy makers and practitioners to take greater account of the rights of children
- Providing a voice for children and a channel of communication between children and government
- Ensuring that children have effective means of redress when their rights are violated
- Monitoring the government's compliance with the CRC (article 4), including monitoring the government's reporting

obligations, and producing a supplementary report to the official State party report

*their independence must be respected*,  
Commissioner for Human Rights, Council of Europe

- Raising awareness of child rights among children and adults by producing and disseminating information about children's rights and the UNCRC, training professionals working with children, working with the media to increase awareness, etc.

Website of the European Network of Ombudspersons for Children

The Ibero-American Network of Ombudpersons for Children was set up in November 2007

In their work, Ombudspersons should ensure that:

- Their work is directly informed by the views of children;
- The views of the children are reflected in proposals, reports, responses, research and strategies;
- Structures are established through which children's views can be directly and effectively represented.

## **Further information**

Does your country have an Ombudsperson?

Training pack on ombudspersons, developed by the European Network of Ombudspersons for Children (ENOC) for all those involved in the development of independent institutions for children.

CRC General Day of Discussion on Article 4 of the CRC: Responsibility of States, click [here](#) for information and submissions

*Ombudsmen are key defenders of human rights –*