

## Item 5 – Human rights bodies and mechanisms

### General debate

**Joint oral statement on behalf of Defence for Children International (DCI)\*, ECPAT International\*, Kindernothilfe\*, International Federation Terre des Hommes\* (IFTDH), Save the Children International\*, Plan International\*, SOS Kinderdorf International\*, World Organization Against Torture (OMCT)\*, World Vision International\*, Youth Empowerment Alliance, Inc.\*, the Child Rights Information Network (CRIN), Defence for Children – Costa Rica, the Global Initiative to End Corporal Punishment, the NGO Group for the CRC<sup>1</sup>, NGO Group for the CRC/ Japan<sup>2</sup>**

*Check against delivery*

Thank you Mr President.

This statement is made on behalf of 15 NGOs representing over 100 international and national NGOs.

Mr President,

The lack of a communications procedure for children's rights violations has been a serious matter of discrimination against children. Without such an essential mechanism, the international protection of children's rights is incomplete. More than twenty years after the entry into force of the CRC, we thus welcome the presentation of a final draft Protocol on a communications procedure by Mr Stefanek.

We deplore however, that the focus of the last round of negotiations of the new Protocol was to reach a quick agreement, by using language existing in the last communications procedure, the OP ICESCR, rather than exploring ways to ensure that the new mechanism is child-friendly and child-sensitive. This led to overlooking some of the rights enshrined in the CRC, including the best interest of the child, and favouring lowest common denominators.

The deletion of the collective communications mechanism in the last day of the negotiations is also a regrettable loss. It would have provided a key complementary tool to the individual communications procedure for unidentifiable or particular groups of child victims. As Jean Zermatten, Chairperson of the Committee on the Rights of the Child, pointed out, it would also "have allowed for the identification of structural violations or gaps in States parties".

We also regret the choice of the Chairperson to suspend the formal session of the Open-ended Working Group on the last day of the negotiations. This decision effectively excluded civil society, UNICEF, the Committee on the Rights of the Child and other experts – in a word,

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\*NGOs with ECOSOC status

<sup>1</sup> The NGO Group for the CRC is a network of over 80 child rights organisations around the world.

<sup>2</sup> The NGO Group for the CRC/Japan consists of 22 NGOs and 2 national NGO networks

child rights actors – from participating to the debate, at a time where critical decisions were made. While we understand that States are responsible for negotiating international instruments, we believe that for an international treaty of this importance, a more serene and inclusive approach would have been more appropriate.

The final draft Optional Protocol presented by Mr Stefanek today does nonetheless provide the core elements of a communications procedure and we strongly support such a new mandate for the Committee on the Rights of the Child.

Indeed, the final text provides for the protection of the full range of children's rights. It will ensure that children have effective remedies available to redress violations when domestic complaints mechanisms fail and will also stimulate the development of more effective national systems for remedies. Overall, it will strengthen the effective implementation of children's rights at national level through the development of an international jurisprudence which will help States to better understand their obligations.

We therefore urge the Human Rights Council to adopt the report of the Open-ended Working Group and the final draft Optional Protocol and transmit the Protocol to the General Assembly for its final approval. We also encourage States to initiate discussions at capital level in view of the prompt ratification of this essential instrument for the promotion and respect of children's rights.

Thank you Mr President.