

NGO FORUM for National Child Rights Coalitions

Geneva, 8 February 2011

I. **WORKSHOP 1: Next steps: Follow-up to Concluding Observations and child participation**

Moderator: Séverine Jacomy-Vité

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1. Introduction

Currently, there is no formal procedure for the Committee to follow up the COs and the COs have been considered (including by the Committee) as being too general. Although, there were discussions amongst all treaty bodies, including the Committee, to establish a common follow-up procedure which would make this official and compulsory, this is not yet established.

There are general follow-up practices, however: the Country Rapporteur can visit the country after it has been examined by the Committee, but this is rare due to the lack of budget; the other practice is to have regional meetings. There was a regional meeting in 2005, for instance, including countries from Mexico to the Caribbean, but it was more like a forum and no information was collected on the way the experience shared was used, even in Costa Rica where the Forum was held. Therefore, more should be done with regard to follow-up by UNICEF, civil society or maybe even the governments. Another follow-up practice is that the Committee writes a follow-up letter, about two years after the session asking about the developments since the session was held. This is a relatively simple process to manage, and this letter gives a push to the government to initiate changes.

On the NGO side, there have been many initiatives we can learn from. To ensure better implementation of the COs, the NGOs should start preparing the field before the session/pre-session by identifying which governmental body will be in charge of the follow-up. Once a strategy is established, media can be involved, through interviews or a talk show on T.V. or other means. The inclusion of special interest groups such as professional organizations who might be specifically concerned by one or more COs but unaware of it is particularly important. Furthermore, it might be useful to include religious leaders, parents or family organizations, politicians, law makers' and other stakeholders, as well as the local authorities and other treaty bodies.

Child participation is often given weight in the reporting process to the Committee on the Rights of the Child (the Committee); however it should not be forgotten after the pre-session/session and should be included in the discussion on follow-up strategies to the pre-session/ to the Concluding Observations (COs) of the Committee.

The dissemination of the COs is also very important: NGOs might want to translate them into their national language(s) as the official translation come with a significant delay and then rewrite them in a child/adult friendly language and make them widely known through newsletters, mailings, etc. Finally, NGOs could set up database collection systems to compile case studies/laws on the issues mentioned during the pre-session/session if they are not documented enough.

Among the challenges already mentioned, it is worth recalling that the Committee has no direct legal authority. It can only urge and recommend, but it is up to the civil society to ensure the State and the government feel accountable to respond to the COs. The NGOs need to build their legitimacy and define realistic timelines for their actions and include children in the process of strategising and regularly update them. Moreover, NGOs can identify indicators of success and the impact of the COs on the situation of children in the country.

2. Presentations of participants from 3 different countries

- ❖ **Country 1:** they confirmed the need to ensure the government is aware of the importance of the recommendations and to promote the COs, as the CRC is not well known in the country. They identified the need to work with the social sectors: NGOs, unions and other actors dealing with children and legal issues. Among the specific and sensible themes in this country are the issues of adoption and commercial sexual exploitation. They stressed that the participation of children was also to be promoted not only in the presentation of the NGO alternative report, but also in all the spaces where children can be present in the country.

One of the main limitations they faced was the small size of the coalition and of NGOs and the fact that international cooperation was not developed enough and the lack of financial resources. The Coalition had no permanent staff and there was a need to have good relations with UNICEF, ILO and a stronger ombudsperson.

- ❖ **Country 2:** the Coalition consists of 20 member organizations in 16 provinces. When the COs will be issued for this country, the Coalition will share them with the member organisations so that the network can consider them during their strategic planning and identify the issues to be followed up, especially with children's participation.

The recommendations will also be shared with the commune council so that they can take them into account in commune development plans. They will also be translated into child friendly versions so that the members of community and the children can understand them easily.

- ❖ **Country 3:** they explained that in their country child rights NGO development is recent and of three types (supervised youth groups such as the Scouts; NGO led movements and youth led groups). Still, less than 25 per cent of the child population is aware of children's rights.

As a response, colleagues from Country 2 explained that in their country the rights of the child are taught at school, which has helped to raise awareness. For example, the Child Rights Foundation works with the Ministry of Education, Youth and Sport on child participation, prevention of corporal punishment in the teacher training college, etc. The children who are least aware of their rights are unfortunately the most vulnerable ones, who are also out of the school system.

3. Group Activities: How to ensure the COs are implemented?

Participants formed two groups to work on Follow-up strategies to ensure that the Concluding Observations (COs) are implemented:



Presentation of the first group on the follow-up strategy on Child Participation:

- **Potential partners:**
 - A Network of child-rights organisations only;
 - Media
- **Potential activities:**
 - TRANSLATION (priority)
 - Dissemination of information, Awareness Building, Monitoring, Research, Opinion
 - Feed Back to CRC Coalition.
- **Timetable**
 - ASAP (for momentum)
 - REGULAR (periodic) Meetings Important

Comments:

→ Network for dissemination: one of the participating coalitions had a great experience and raised the possibility to share best practices.

→ Make regular follow-up meetings: at the national level, with children. For example, hold annual or biannual meetings of children.

Presentation of the second group on the follow-up strategy on Child Participation:

- **Potential partners:**
 - Media, Journalists, specialised topics
 - Ombudsperson (if possible for children's rights)
 - CRC Committee members
 - Governments
 - National Council for children
 - General public
 - Coalition members

Comment:

→ Identify organisations working for children's rights and child participation

- **Potential activities**

- Translation of the COs into a child-friendly language and the official languages to inform everyone on the COs
- Write letter to the ministries
- Specialised website and social network services (facebook, twitter)
- Invite the CRC Committee Members to facilitate training
- Press conference

Comments:

→ Prioritise the activities: the most important one is to translate the COs into a child-friendly language and inform everyone about the recommendation contained in the COs; Write a letter in order to inform in the COs for example.

- **Timetable**

- Before
 - Information about CRC procedure
 - Raising awareness about latest COs
 - Make exclusive contracts with chosen journalists
- After (when the COs are issued):
 - Translation
 - Press conference and media coverage (make sure everybody knows about the COs). In some countries, the pre-session is not directly followed by the session, so the press conference may be organised later than “ASAP”. The NGO should be clear about what was discussed with the government and what the COs were and on what was fulfilled the last years.
 - Send letter to the government/ministries
 - Specialised websites + social network
 - Invite Committee member(s) to the country to get informed and help with awareness raising

Comment:

→ Identify specialised network services and websites that can help facilitate the dissemination of the COs.

II. **WORKSHOP 2: Other opportunities for children’s rights advocacy at the international level**

Moderator: Anita Goh

(NGO Group for the CRC – goh@childrightsnet.org)

1. **Introduction to international human rights mechanisms**

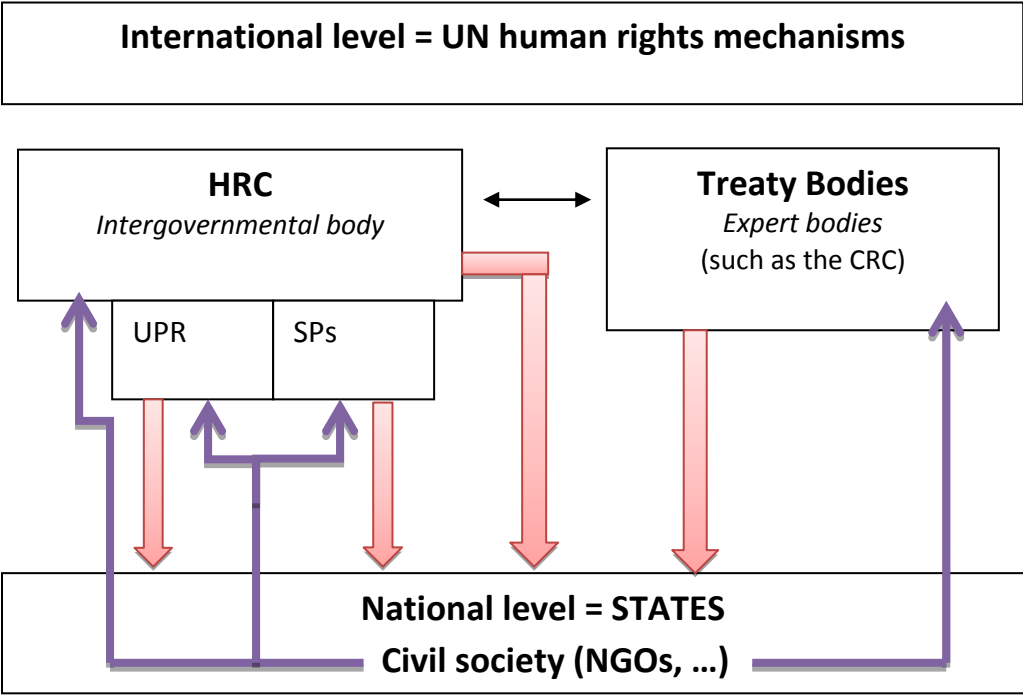
NGOs who have prepared comprehensive alternative reports for the CRC can use those reports and information to provide information to other UN human rights mechanisms:

→ **to other treaty bodies**, which, like the Committee on the Rights of the Child, are in charge of an international human rights treaty. For example, if there are particular problems with regard to the right to education, or appropriate housing or other economic, social or cultural rights, this information can be submitted to the Committee on Economic, Social and Cultural Rights (CESCR). If

there are particular issues regarding girls, information could be sent to the Committee on the Elimination of Discrimination against Women (CEDAW), etc.

→ to the Human Rights Council:

- Through its **Universal Periodic Review (UPR)** (see presentation made by UPR Info);
- Through the **Annual Day on the Rights of the Child**: either by participating to the discussion (in March 2011, the theme will be street children) or by influencing the next theme;
- Through its **Special Procedures (SPs)**. SPs address either a specific country situation (eg. : Myanmar, Burundi) or a thematic issue (eg. : sale of children, education). The mandate holders can be one person (Special Rapporteur, Independent Expert) or a working group. They undertake country visits, investigate specific issues within their theme, present recommendations to States, receive individual complaints through letters of allegations, present reports to the Human Rights Council. NGOs can, inter alia, brief SPs on the situation in their country, submit information and raise awareness about particular individual victims of violations. In case of huge problem in your country, it is crucial if you can make the Special Rapporteur visit your country and witness for the situation with human rights there.



- ➡ Recommendation made by a UN human rights body to a State
- ➡ Information submitted to a UN human rights body by civil society
- ↔ Cooperation between UN human rights mechanisms

Note: To find out more information about how you can engage at the international level and work with other UN human rights mechanisms, read the OHCHR Handbook for Civil Society that you can find at <http://www.ohchr.org/EN/AboutUs/CivilSociety/Pages/Handbook.aspx>

2. Presentation of the Universal Periodic Review (UPR) mechanism

Guest speaker: Roland Chauville

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Description of the UPR

The specificity of this mechanism is that one State is reviewed by the other States every 4 years. The human rights situation as a whole is examined and it is not an examination on specific human rights issue. It has a broader spectrum than the examination done by treaty bodies.

The UPR only started in 2008 so the first cycle of 4 years is still on-going: 32 countries are to be reviewed this year and by the end of 2011, all 192 UN Member States will have been reviewed under this mechanism. It is difficult to assess the achievements of this mechanism yet. Once the second cycle starts, it will be possible to say whether the review is constructive and states comply with commitments.

Functioning of the UPR

First, before being reviewed the State submits a report on the human rights situation in the country. NGOs can also submit reports (“NGO submissions”) that are summarised into one document, one of the three documents on which the review is based.

Second, the State is reviewed in Geneva in a three-hour Working Group session and recommendations made by the States to the State under review, voluntary commitments taken by the State under review are compiled in one document, the outcome report. This outcome report is first submitted to the State for adoption and then adopted in a plenary session of the Human Rights Council.

Outcome of the UPR

The State under the review can choose among the recommendations made by other States which ones it wants to accept and which ones it wants to reject. It happens that the State rejects recommendations on obligations they already have and it is crucial for NGOs to know when this happen and raise it with the treaty bodies, and the Committee on the Rights of the Child in particular if the rejected recommendation concerns the rights of the child.

The UPR provides a good opportunity for NGOs to influence States and get them to make certain recommendations. If you get several States to make the same recommendation to your State, then there is a stronger argument for your State to accept it and implement it.

The State under review has the obligation to implement the recommendations it has accepted under the UPR in the next 4 years. It is still unknown whether the UPR recommendations are effectively implemented or not, as the first cycle of reviews is not finished yet. The first States to be examined in the second cycle will be the Czech Republic and the Republic of Korea.

Note: To find out more information about how you can engage in the UPR, visit: http://www.upr-info.org/
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3. Information about the new CRC OP establishing a communications procedure,
Speaker: Anita Goh

All treaty bodies, except the Committee on the Rights of the Child, can receive and examine individual complaints in addition to the reporting mechanism. It is a quasi-judicial procedure, i.e. though it follows the form of a court decision, it is not as binding as a court decision since there is no enforcement mechanism to oblige a State to comply with it.

Child rights NGOs felt it was essential to have a similar mechanism for child rights violations and a UN intergovernmental working group was set up to discuss and negotiate a new OP to establish such procedure. The negotiations are currently under way and will be presented in HRC for adoption in June. Once the HRC adopts the OP, it will be submitted to the UN General Assembly (GA) for adoption. Once adopted by the GA, it will become a new international treaty and be open for signature and ratification by the States.

Note: To find out more information about the international campaign for a new OP CRC establishing a communications procedure, check <http://www.crin.org/NGOGroup/childrightsissues/ComplaintsMechanism/>

4. Group Activities: How to use other UN human rights mechanisms to get an issue addressed?

Participants worked in three separate groups. The two first groups shared their experience with regard to other UN human rights mechanisms and how and when they could be used. The third group discussed the new OP to the CRC on a communications procedure.

ANNEX

FOLLOW-UP TO CONCLUDING OBSERVATIONS AND CHILD PARTICIPATION

Key points of Séverine Jacomy-Vité's presentation

NO FORMAL PROCEDURE!

- While the Committee on the Rights of the Child has developed a number of best practices in relation to the reporting process, it currently does not have a formal follow-up procedure.
- Both State Parties and civil society would greatly benefit from the Committees' continued efforts to strengthen the structure, wording and specificity of the recommendations.
- The aim of follow-up procedures would be to assess the implementation of key recommendations one or two years after the review and would enable the committee to have a more detailed and interactive role in guiding the implementation of the recommendation
- Depending on how these initiatives develop in the future, consideration could be given to the creation of a specific treaty body follow up mechanism for all treaty bodies

GOOD PRACTICE FROM THE COMMITTEE

- Where follow-up country visits by Committee members have taken place, national child rights coalitions have reported that such visits have been central to starting the implementation of Concluding Observations. We would like to see such visits becoming a more formal part of the follow-up procedure, as they currently depend on national stakeholders (usually civil society and/or UN agencies) to initiate them. In some situations, it might be effective to have a joint mission by more than one treaty body.
- Regional follow-up meetings have also taken place in the past, organised by OHCHR, but they are not as cost effective for specific national follow-up as country visits.
- Letters asking for additional information, or information on implementation, have also been a good way of reminding their obligations to State parties, but this practice is rare and the Committee argues that its backlog does not allow it to do so any further.

GOOD PRACTICE OR GOOD IDEAS FROM NGOS

- **STRATEGISE:** Form a working group on follow-up and prioritise most urgent recommendations and follow-up actions; Attend and monitor the session itself to influence the process and be informed of the background to the COs; Identify governmental bodies/institutions responsible for follow-up

- **BUILD PARTNERSHIPS:** Involve the media – not only through a press conference, but also through prior agreement on the exclusive publication of the COs, interviews with the NGO delegation back from Geneva, interviews or TV talk show with children having contributed to the NGO/Children’s report on their reaction to COs; special interests’ groups, such as professional organisations concerned by specific COs; religious leaders; parents and families; Politicians and law makers, for example by briefing parliamentarians or candidate to elections; Local authorities, for example by writing to mayors or having local follow-up plans, etc. Update outside actors, such as donor countries or agencies; Influence other human rights bodies (treaty bodies or UPR) by sending follow-up information on the COs; Organise national conferences and follow-up meetings with children; Invite the country rapporteur for a follow-up visit, plan high level meetings with government officials, as well as with children’s groups.
- **DEVELOP TOOLS AND COMMUNICATIONS:** Translate the report and the COs in local languages yourself as the UN can take a long time and make them available in child-friendly format; Disseminate the information through newsletter or individual mailing to all persons and organisations, including children, who were involved in reporting; Create blogs, podcasts and films; Plan or set up databases, case study or case law collection systems and new research in key areas identified in the COs as lacking baseline; Produce annual or biannual progress report; Launch campaigns on priority themes of the COs

CHALLENGES IDENTIFIED BY NGOs

- The Committee has no direct legal authority, it can only urge, encourage or recommend the State to take specific actions. So it is important to enhance accountability of State and/or interest in international obligations in public opinion.
- The legitimate role of NGOs and children in follow-up is not defined by the Committee as it is in reporting.
- Preparing a report is concrete and time-bound, but maintaining momentum around follow-up is hard.
- It is a challenge to design realistic timelines for follow-up, translation of COs into local languages and/or in everyday terminology and child-friendly formats, to enable their direct use at national and local levels.
- Children may not be available after the session and children grow up !
- It is difficult to identify indicators of success in follow-up to COs. This is a major obstacle to the assessment of a) NGO effectiveness in this field b) progress made by government themselves in implementing the COs.
- There are limited opportunities to share best practices between countries, which is why the NGO Forum is focusing on this issue.