



## Guide to mechanisms for children's rights

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.

**\*Please consider the environment before printing\***

## Contents

<b>The United Nations and Child Rights</b> .....	<b>4</b>
What is the United Nations? .....	4
What does it do? .....	4
What work does it do on human rights? .....	4
What work does it do on child rights? .....	4
How is it structured?.....	5
How is it governed? .....	5
<b>UN General Assembly</b> .....	<b>6</b>
What is the GA?.....	6
What does it do?.....	6
What has it got to do with child rights?.....	6
How does it work? .....	7
Who reports to the GA? .....	7
Where can I find GA resolutions? .....	7
<b>UN General Assembly Special Session on Children</b> .....	<b>8</b>
<b>UN Security Council</b> .....	<b>9</b>
What is the Security Council?.....	9
Members of the Security Council .....	9
How does the Security Council make decisions? .....	9
Child rights and the Security Council .....	9
<b>United Nations Human Rights Council</b> .....	<b>10</b>
Introduction.....	10
Children at the Human Rights Council .....	10
Working Group for the Human Rights Council.....	11
Information on NGO participation.....	11
Council structure.....	11
The transition from the Commission to the Council .....	11
<b>How individuals can use mechanisms of the United Nations to submit complaints</b> .....	<b>12</b>
Treaty bodies.....	12
Special Procedures.....	12
Complaint procedure of the Human Rights Council.....	13
<b>Special Procedures</b> .....	<b>13</b>
What are the Special Procedures? .....	13
What do they do? .....	13
How are they appointed? .....	13
What is the difference between the various types? .....	14
<b>UN Treaty Bodies</b> .....	<b>14</b>
What are the UN treaty bodies? .....	14

What do the treaty bodies do?.....	15
<b>Office of the High Commissioner for Human Rights (OHCHR).....</b>	<b>15</b>
What is OHCHR?.....	15
What does it do?.....	15
How does it work?.....	16
Who is the High Commissioner?.....	16
How can NGOs work with OHCHR?.....	16
<b>Committee on the Rights of the Child.....</b>	<b>17</b>
What does it do?.....	17
How does it work?.....	17
How is it structured?.....	18
<b>International Criminal Court (ICC).....</b>	<b>18</b>
What is the ICC?.....	18
When can cases be brought to the ICC?.....	18
Children and the ICC.....	18
Who can bring cases to the ICC?.....	18
How can NGOs participate in the ICC's work?.....	19
What is the difference between the ICC and the International Criminal Court of Justice?.....	19
The USA and the ICC.....	19
<b>The International Labour Organisation (ILO).....</b>	<b>19</b>
What is the ILO?.....	19
What does it have to do with child rights?.....	19
What else does the ILO do?.....	20
How does it work?.....	20
<b>World Health Organisation (WHO).....</b>	<b>20</b>
<b>Office of the UN High Commissioner for Refugees (UNHCR).....</b>	<b>21</b>
<b>United Nations Office on Drugs and Crime.....</b>	<b>22</b>
<b>The World Bank and International Monetary Fund (IMF).....</b>	<b>22</b>
What is the World Bank?.....	22
What does it do?.....	23
What does it have to do with child rights?.....	23
What is the difference between the World Bank and the International Monetary Fund (IMF)?.....	24
Criticisms and controversies.....	24
Broader concerns about both the IMF and World Bank.....	24
<b>The United Nations Children's Fund (UNICEF).....</b>	<b>25</b>
<b>The UN Educational, Scientific and Cultural Organisation (UNESCO).....</b>	<b>25</b>
<b>Using Regional Human Rights Mechanisms.....</b>	<b>26</b>
Introduction.....	26
What are regional human rights mechanisms?.....	26
<b>Council of Europe.....</b>	<b>27</b>
What is the Council of Europe?.....	27
Members of the Council.....	27
Child rights and the Council of Europe.....	28
Commissioner for Human Rights.....	28
How can NGOs participate in the Council's work?.....	28
<b>European Court of Human Rights.....</b>	<b>29</b>
What is the role of the European Court of Human Rights?.....	29
Child rights at the Court.....	29
What kind of violations can be brought to the Court?.....	29
How can I submit an application to the Court?.....	29
How is the Court structured?.....	29
Challenges for the European human rights protection system.....	30
<b>European Committee of Social Rights.....</b>	<b>30</b>
What is the European Committee of Social Rights?.....	30
Child rights and the European Social Charter.....	31
How does the Committee monitor compliance with the European Social Charter?.....	31
What kind of child rights breaches does the Committee address?.....	32
<b>European Union.....</b>	<b>32</b>
Child rights in the European Union.....	32
The EU and the European Convention on Human Rights.....	32
EU policies and programmes.....	32

External relations.....	33
<b>African Union (AU).....</b>	<b>33</b>
Introduction to the African Union.....	33
Human and child rights mechanisms in the African Union.....	33
UN GA Special Session on Children: The African Common Position .....	33
<b>African Committee on the Rights and Welfare of the Child.....</b>	<b>34</b>
What is the Committee of Experts on the Rights and Welfare of the Child?.....	34
What is the African Charter on the Rights and Welfare of the Child?.....	34
What is the difference between the CRC and the African Charter on the Rights and Welfare of the Child?.....	34
What are its powers and functions?.....	34
How does the State reporting process work? .....	35
How can civil society organisations participate? .....	35
Does the Committee examine individual complaints?.....	35
Other complaints mechanisms in the African system.....	36
<b>African Commission on Human and People's Rights.....</b>	<b>36</b>
What is the African Commission on Human and People's Rights?.....	36
Reporting procedure.....	37
NGO participation.....	37
How does the complaints system work?.....	37
What about cases of child rights violations? .....	37
How does the Commission deal with particular issues of concern?.....	37
<b>African Court of Human and People's Rights.....</b>	<b>38</b>
<b>Economic Community of West African States (ECOWAS).....</b>	<b>38</b>
What is ECOWAS? .....	38
What does it have to do with child rights?.....	38
How does it work? .....	39
<b>Organisation of American States (OAS).....</b>	<b>39</b>
What is the OAS?.....	39
Who participates in the OAS? .....	39
What does the OAS do for children's rights?.....	39
<b>Inter-American Commission on Human Rights.....</b>	<b>40</b>
General Information about the Inter-American System.....	40
Children and Young People's Rights in the Inter-American System: Questions & Answers .....	40
Commission Hearing on Corporal Punishment of Children - October 2005.....	41
Country Reports – Chapters on Child Rights.....	41
<b>Inter-American Court of Human Rights.....</b>	<b>42</b>
What is the Inter-American Court of Human Rights?.....	42
What are the powers and functions of the Court?.....	42
Q&A on child rights and the Inter-American system.....	42
How can I submit a complaint to the Court? .....	43
How can civil society influence the Court's work?.....	43
Advisory opinions.....	43
<b>MERCOSUR.....</b>	<b>45</b>
What is MERCOSUR?.....	45
Membership.....	45
Child rights and MERCOSUR: Iniciativa Niñ@sur .....	45
Conflict.....	45
Niñ@sur documents.....	45
<b>The League of Arab States.....</b>	<b>46</b>
What is the League of Arab States?.....	46
What does it have to do with child rights?.....	46
The Arab Charter on Human Rights, and how it conflicts with the CRC .....	46
How does the League work? .....	46
<b>Child rights mechanisms in Asia.....</b>	<b>47</b>
Does a regional child rights mechanism exist?.....	47
<b>General Measures of Implementation.....</b>	<b>47</b>
<b>Independent Human Rights Institutions and Ombudspersons.....</b>	<b>49</b>
The concept of Ombudsperson .....	49
Why establish an Ombudsperson?.....	49
Why an Ombudsperson for children?.....	49
Activities of an Ombudsperson for children.....	49

Together with the Declaration, they constitute the International Bill of Human 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 192 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.

### 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.

### 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.

The Declaration laid the groundwork for some 80 other Conventions and declarations on human rights, including the two International Covenants;

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, holds public meetings to review the human rights performance of States, to adopt new standards and to promote 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.

A number of UN peacekeeping operations have a human rights component. In all, UN human rights field activities are currently being carried out in 30 countries or territories. They help strengthen national capacities in human rights legislation, administration and education; investigate reported violations; and assist governments in taking corrective measures when needed.

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.

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).

Through humanitarian, peace and development work, the UN either directly or indirectly helps to protect people's rights.

### What work does it do on child rights?

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

As part of its 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 the body 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.

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.

See also: Treaty Bodies of the UN

## 2. The UN General Assembly

Also 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. Read the 2006 CRC Report to the GA and the 2006 GA Resolution on the Rights of the Child.

**The Special Representative of the Secretary-General on Children and Armed Conflict** reports to the General Assembly once a year. [More here.](#)

**The United Nations Secretary-General's Study on Violence against Children** has been a global effort to paint a detailed picture of the nature, extent and causes of violence against children, and to propose clear recommendations for action to prevent and respond to it. Read more about it on CRIN's [Civil Society Gateway to the Study](#)

## 3. The UN Human Rights Council

The **Human Rights Council** was created in March 2006, replacing the Commission on Human Rights. Traditionally, the rights of the child constituted item 13 on the agenda of the Commission on the Human Rights, although they were sometimes discussed under other agenda items. An "Omnibus Resolution" on the rights of the child was adopted every year by the Commission to include the different resolutions on children, such as those on children living and working on the street, sexual exploitation of children and children affected by armed conflict.

More information about the [Commission on Human Rights and child rights](#)

The Human Rights Council also has responsibility for overseeing the work of the Special Procedures (e.g. Special Rapporteur, Independent Experts, Working Groups). Thematic mandates related to child rights include:

- Special Rapporteur on the sale of children, child prostitution and child pornography
- Special Rapporteur on the Right to Education

[More on the Special Procedures.](#)

## 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.](#)

## 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 link to CRIN page. (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, 1999 and ILO Convention No. 138 on the Minimum Age for Admission to Employment and Work.

The mandate of the **Office of the High Commissioner for Human Rights** (OHCHR), a department of the United Nations Secretariat, includes bringing together all human rights work at the UN to create an integrated approach. It's mandate also includes: 'preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, coordinating related activities throughout the United Nations, and strengthening and streamlining the United Nations system in the field of human rights.'

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 is it structured?

The make-up of the United Nations is complicated, and can seem quite daunting.

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.

Other affiliated organisations include the United Nations Children's Fund (UNICEF), the Office of the United Nations Commissioner for Human Rights (OHCHR), the World Trade Organisation (WTO) and the International Labour Organisation (ILO).

You can see a map of the UN system, which will make this all a lot clearer, [here](#)

### How is it governed?

Representatives of each member country meet in the **General Assembly**, this is the closest thing to a world parliament. Each country has a single vote. Decisions that are voted for become **resolutions**. The Assembly's decisions are not laws. Governments follow resolutions because they

represent the world's opinion on major international issues.

The 15 members of the **UN Security Council** try to keep the world a peaceful and secure place. They vote on the best ways to prevent countries fighting. There are two groups of members: **five permanent members** (France, UK, Russia, China, United States) and **ten temporary members** (These members are voted for every two years by the rest of the UN). Each of the five permanent members can stop the UN from making decisions they may not agree with. This is called the power of **veto**.

The **Economic and Social Council** (ECOSOC) serves as the central forum for discussing international economic and social issues, and for formulating policy recommendations addressed to Member States and the United Nations system.

It is responsible for promoting higher standards of living, full employment, and economic and social progress; identifying solutions to international economic, social and health problems; facilitating international cultural and educational cooperation; and encouraging universal respect for human rights and fundamental freedoms. With its broad mandate the Council takes over 70 per cent of the human and financial resources of the entire UN system.

The role of the **International Court of Justice** is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions. The Court is composed of 15 judges, who are elected for nine years by the United Nations General Assembly and the Security Council.

The **Secretariat** carries out the diverse day-to-day work of the UN. It services the other principal organs of the United Nations and administers the programmes and policies laid down by them. At its head is the **Secretary-General**, who is appointed by the General Assembly on the recommendation of the Security Council for a five- year, renewable term.

The **Trusteeship Council** was established to help ensure that States unable to govern themselves were administered in the best interests of the inhabitants and of international peace and security. The **trust territories** - many of the m territories taken from nations defeated at the end of World War II - have all now attained self-government or independence, either as separate nations or by joining neighbouring independent countries. Council operations have thus been suspended.

#### Further information

A to Z of child rights

International mechanisms for children's rights - INDEX

Child rights complaints mechanisms

Search instruments

### UN General Assembly

#### What is the GA?

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 192 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?

- United Nations Convention on the Rights of the Child
- Other Conventions
- Committee on the Rights of the Child
- Human Rights Council
- Special Session of the UN General Assembly on Children
- Statements by the GA President
- UN Study on Violence Against Children
- UN Study on Children and Armed Conflict
- Special Representatives and Independent Experts

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** 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 **The Optional Protocol on the involvement of children in armed conflict Adopted (A/RES/54/263, dated 25 May 2000)**

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.

From 8 to 10 May 2002, more than 7,000 people participated in one of the most important international conference 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 of the 192 Member States 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>.

- National Plans of Action (NPAs)

## UN General Assembly Special Session on Children

### What was the GA Special Session on Children?

The UN Special Session on Children was held in New York in May 2002. The aim of the Special Session was

(1) to review progress made for children since 1990 specifically by returning to the achievements of 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.

### What was the World Summit for Children?

It was a high-level meeting that took place at the United Nations in 1990. At that time, world leaders established 27 specific goals related to children's survival, health, nutrition, education and protection. The goals were to be met by the year 2000.

### Why was the Special Session important?

- It was the first time the General Assembly (GA) held a meeting entirely dedicated to children's rights;
- Governments had a 'second chance' to take decisive action to achieve full implementation of the 1989 UN Convention on the Rights of the Child;
- It represented an important opportunity to review the successes and failures of achieving the World Summit goals;
- It was a chance for children, NGOs and civil society organisations at national, regional and international level to talk to governments about what needed to be done;
- It provided an additional mechanism for governments to be held accountable for their actions towards children, through the development and implementation of National Plans of Action.

### Who participated?

Government leaders and Heads of State, NGOs, civil society leaders, children's advocates and young people themselves. Around 3,600 NGOs were accredited to the Special Session on Children.

### What were the outcomes?

'A World Fit For Children' (WFFC)

The future agenda focused on four key priorities:

- promoting healthy lives
- providing quality education for all;
- protecting children against abuse, exploitation and violence; and
- combating HIV and AIDS.

'A World Fit For Children' calls for new and additional resources to be allocated for child rights at both national and international levels. It supports the pursuit of agreed-upon global targets and actions for official development assistance, as well as the development of local partnerships. The document concludes with a section on follow-up actions and assessment to facilitate implementation and to ensure monitoring, periodic reviews and reporting.

After the Special Session, governments were required to develop national, and where appropriate, regional action plans to ensure that the targets and benchmarks were achieved. Governments have been encouraged to develop National Plans of Action taking into account the key issues and priorities for children in their own countries, as well as relevant, cultural, religious and social traditions. The NPAs have been complemented by inclusion of these goals into other policies and development plans, such as Poverty Reduction Strategy Papers (PRSP).

### What has been done since then?

The UN official report of the Secretary-General 'Follow-up to the Special Session of the General Assembly on Children' was published in August 2006 and includes an update on progress achieved in realising the commitments set out in the WFFC document, with a view to identifying new challenges and making recommendations on actions needed to achieve further progress.

A total of 177 countries are now engaged in activities to follow up the goals of WFFC. Those countries have incorporated the goals into their planning processes by either developing NPAs on children's issues or integrating the goals into mainstream national plans. Several countries have used both mechanisms.

A total of 47 countries had completed NPAs by the end of 2005, an increase from 25 in 2003. In addition, 99 countries had incorporated the goals of WFFC into national development plans, such as PRSPs, by the end of 2005 - an increase from 68 in 2003.

Efforts to develop regional, provincial, district and local plans of action were reported in numerous countries in 2005. In some countries, follow-up on NPAs at the sub-national level has been much stronger than at the national level.

The official report also noted an increased attention to the CRC. The majority of NPAs for children make reference to the Convention or to the Concluding Observations of the Committee on the Rights of the Child on reports of the respective States Parties to the Convention.

### What happened next?

A commemorative high-level plenary meeting took place in New York from 11 - 12 December 2007, to evaluate progress made in the implementation of the Declaration and the Plan of Action contained in the document 'A World Fit For Children'.

CRIN reported from the event. Read more here:

[http://www.crin.org/email/crinmail\\_detail.asp?crinmailID=2526](http://www.crin.org/email/crinmail_detail.asp?crinmailID=2526)

### Where can I read more?

- CRIN's page 'UN Special Session on Children'
- The outcome document 'A World Fit for Children'
- CRIN's 'Reader on National Plans of Action for Children'
- 'Follow-up report to the special session of the General Assembly on children: report of the Secretary-General'
- UNICEF page 'Follow-up to the UN Special Session on Children'
- UNICEF's page on the 'UN Special Session on Children'

### What is the Security Council?

The Security Council has primary responsibility, under the UN Charter, for maintaining international peace and security.

When a complaint concerning a threat to peace is brought before it, the Council's first action is usually to recommend that the parties try to reach agreement by peaceful means.

In some cases, the Council itself undertakes investigation and mediation. It may appoint Special Representatives 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.

The current non-permanent members are (with year of term's end): Belgium (2008), Congo (Republic of the) (2007), Ghana (2007), Indonesia (2008), Italy, (2008) Panama (2008), Peru (2007), Qatar (2007), Slovakia (2007), and South Africa (2008).

### 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 is the rule of "great Power unanimity", often referred to as the "veto" power.

See the Security Council's website for more information

### Child 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. Internal conflicts give rise to displaced families and communities, refugee flows across borders and the use of child soldiers creating the conditions for long-term regional and international instability.

Since 1999, the Council has become more active on the issue. While its early resolutions contained mainly generic statements about how children should be treated in conflict situations, from 2001 the resolutions began to contain more concrete requests that addressed the practical reality of children involved in situations of armed conflict.

The **Resolutions** of the Security Council on this issue are: 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005)

### 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 which violate international standards on children and armed conflict. These are

Annex I lists parties on the agenda of the Council and Annex II lists the parties that are not on the Council agenda. States listed in Annex II are concerned that their listing will lead the Council to look at situations of armed conflict in their countries.

### 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 a monitoring and reporting mechanism on six grave violations of children's rights, as well as for the creation of the Working Group on Children and Armed Conflict. The Working Group is piloting its work in seven countries: Burundi, Côte d'Ivoire, Democratic Republic of Congo, Somalia, Sudan, Sri Lanka and Nepal.

The first reports to come out of these mechanisms, which were on Somalia and Uganda, were published in May 2007.

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

The Working Group on Children and Armed Conflict 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. It has begun its work with seven pilot countries: Burundi, Côte d'Ivoire, Democratic Republic of Congo, Somalia, Sudan, Sri Lanka and Nepal.

### What are some of the internal challenges which the Security Council faces in protecting children in situations of 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 different countries and regions:

**China and Russia:** Both countries have expressed concern that thematic issues such as children and armed conflict provide a possibility for issues which are not on the Council's agenda to be pushed onto the Council's formal agenda.

**China:** The policy concern 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.

**US:** The US argues that the Security Council should be a place for action and must react to specific situations. The US is reluctant for the Council's mandate on this issue to be expanded until it shows clear results.

**South America:** Some countries in South America, for example, Argentina and Brazil, 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 member countries, for example, Tanzania and Benin, have expressed unhappiness that most of the countries listed in Annex I are African countries.

Other issues that divide Security Council members on the issue of children and armed conflict include whether there should be one or two annexes and whether to use targeted sanctions or just send warning letters to groups involved in recruiting and using children in armed conflict.

For further information, go to the [Security Council's website](#)

#### Read more

- Reports of the Secretary-General on Children and Armed Conflict in Burundi, Côte d'Ivoire, Democratic Republic of Congo, Sudan, Sri Lanka, Nepal
- Office of the Special Representative of the SG for children and armed conflicts
- CRIN's information page on children and armed conflict

## 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 new Human Rights Council carries high expectations – it 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.

This page offers information on the new 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 Commission.

### Children at the Human Rights Council

The rights of the child constituted item 13 on the agenda of the Commission on Human Rights, although they were sometimes discussed under other agenda items.

An "Omnibus Resolution" on the rights of the child was adopted every year by the Commission, and resolutions on the rights of the child are also set to be adopted on an annual basis at the Human Rights Council. At the Commission, this Resolution began as a combination of separate Resolutions on specific issues affecting children, introduced by the country most concerned about the issue.

These included children living and working on the street, sexual exploitation of children and children affected by armed conflict. Concerned about the "proliferation" of Resolutions pertaining to children, in 1994 the Commission decided to bring together all the issues in an Omnibus Resolution. Although there have been attempts to streamline the

Resolution, at it has at the same time continued to grow through the inclusion of new issues. This growth has often occurred on an ad hoc basis rather than in response to a clear, coherent structure and purpose.

Past Resolutions have contained strong language, including many of the issues that NGOs have pushed for, such as the appointment of an independent expert to carry out the study on violence against children, the fact that the 'Convention on the Rights of the Child [...] and other relevant human rights instruments must constitute the standard in the promotion and protection of the rights of the child', and a call to 'abolish by law as soon as possible the death penalty for those under 18 at the time of the commission of the offence'.

You can find Omnibus Resolutions on [our website](#).

### NGO call for action on child rights at the Council

In April 2006, the NGO Group for the Convention on the Rights of the Child, Working Group (formerly Subgroup) on the Human Rights Council, presented a call for action to all Permanent Representatives at the United Nations in Geneva and called on the Human Rights Council to act on four specific child rights issues: violence against children - sale of children, child prostitution and child pornography - children affected by armed conflict and displacement - children in conflict with the law.

Whilst conscious of the need to mainstream children's rights into the entire human rights system, those NGOs felt that children have specific needs and concerns that necessitate the adoption of an explicit children's rights focus by the Council. They also urged the Human Rights Council to ensure proper participation of children's rights NGOs and other independent human rights institutions in the work of the Council, including consultations during the universal periodical review.

- Read the Call for action: [Rights of the Child in the New Human Rights Council](#)
- Read the address by the Independent Expert for the UN Study on Violence against Children to the Council (22 June 2006)

### The Universal Periodic Review

The **Universal Periodic Review (UPR)** is a new 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 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 impartial.

It is hoped the UPR will become the *cornerstone* of the newly created Human Rights Council. As such, it represents an opportunity for making children's rights central to the work of the Council. It is therefore hoped that children's rights NGOs and advocates rise to the challenge. [Read more about the UPR, and what you can do](#)

### 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 eg, 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**, eg 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).

More information here: [http://www.crin.org/UN/special\\_procedures.asp](http://www.crin.org/UN/special_procedures.asp)

### Working Group for the Human Rights Council

The Working Group for the Human Rights Council, of the NGO Group for the Convention on the Rights of the Child, brings together NGOs willing to promote the rights of the child at the United Nations Human Rights Council.

The Working Group's aim so far has been to ensure that the Commission on Human Rights, and Human Rights Council, address the specific rights and situations of children worldwide in its regular work and sessions on human rights. By advocating for the inclusion of its concerns into the Commission's Resolutions, the NGO community has ensured better support and coherence between international politics and local realities affecting the realisation of children's rights.

The Working Group has been active during the negotiations on the creation of the Human Rights Council and during consultations on the first session of the Council.

It produced a call for action in May 2006, calling on the Human Rights Council to act on four specific child rights issues: violence against children - sale of children, child prostitution and child pornography - children affected by armed conflict and displacement - children in conflict with the law (see above).

### Information on 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.

### 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).

### 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.

### 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 to be elected by an absolute majority; candidates will be elected 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, will have their human rights records regularly examined through the new universal periodic review mechanism.

- **sessions:** the Council is to hold 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 [current membership of the Human Rights Council](#).

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.

Find information on past sessions visit our [news page on the Human Rights Council](#)

### The transition from the Commission to the Council

#### The Commission on Human Rights

The United Nations Commission on Human Rights (CHR) was the UN body in charge of elaborating international human rights standards and monitoring their implementation. It was composed of 53 States, and it met each year in regular session in March and April for six weeks in Geneva. Over 3,000 delegates from member and observer States and from non-governmental organisations used to participate.

During those annual sessions, the CHR examined reports from special procedures ([what are these?](#)) and adopted over 100 Resolutions, decisions and Chairperson's statements on specific matters. It was assisted in this work by the Sub-Commission on the Promotion and Protection of Human Rights.

#### The reform of the Commission

The Resolution establishing the Human Rights Council provides the framework for a significant improvement in the work of promoting and protecting human rights worldwide:

- A "universal periodic review" will ensure that all 191 Member States of the United Nations, starting with the members of the Council itself, will have their records examined in order to improve human rights conditions worldwide. All states must be held accountable for their shortcomings

- The Council will hold more meetings throughout the year and for longer total duration than the Commission. It will also have a simplified and more efficient mechanism to convene special sessions to respond promptly to human rights crises.

- As the Council is elected directly by the General Assembly, the new body reflects the high level of importance given to human rights as something belonging to all people and, alongside development and security, one of the three pillars of the United Nations.

- Any Council member who commits gross and systematic violations of human rights can have their rights of membership suspended by a two-thirds majority of the General Assembly.

- The first election of members to the Council on 9 May was the first indication that the new Council was not "business as usual". Countries competed for seats in an open and fair election and, for the first time ever, candidates put forward voluntary pledges and comments to promote and uphold human rights to which they will be held accountable.

#### 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

#### Useful contacts

For more information on the Human Rights Council, contact:  
The Office of the High Commissioner of Human Rights, OHCHR – UNOG,  
8-14 Avenue de la Paix, 1211 Geneva 10, Switzerland.  
Tel: +41 22 917 9000; Fax: +41 22 917 9016  
Website: <http://www.ohchr.org/english/bodies/chr>

For more information on NGO participation, contact:  
Ms Laura Dolci-Kanaan  
OHCHR's NGO Liaison Officer  
Email: [ldolci-kanaan@ohchr.org](mailto:ldolci-kanaan@ohchr.org)  
Tel: +41 22 917 9656

For more information about the Working Group for the Human Rights Council, contact:  
Cecile Trochu, co-Convenor  
OMCT  
Email: [ct@omct.org](mailto:ct@omct.org)  
Visit:  
<http://www.crin.org/docs/resources/publications/NGOCRC/subgroup-CHR.asp>

Any other enquiries:  
Child Rights Information Network (CRIN)  
c/o Save the Children, 1 St. John's Lane, London EC1M 4AR, UK  
Tel: + 44 (0)20 7012 6867; Fax: + 44 (0)20 7012 6963  
Email: [info@crin.org](mailto:info@crin.org)  
Website: <http://www.crin.org/HR>

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://www.ohchr.org/english/bodies/petitions/individual.htm>

Who to send the complaint to?

For complaints to the Human Rights Committee, the Committee against Torture and the Committee on the Elimination of Racial Discrimination:

- Download the Model complaints forms here  
<http://www.ohchr.org/english/bodies/docs/annex1.pdf>
- Mail: Petitions Team  
Office of the High Commissioner for Human Rights  
United Nations Office at Geneva  
1211 Geneva 10, Switzerland  
Fax: + 41 22 917 9022 (particularly for urgent matters)  
E-mail: [tb-petitions@ohchr.org](mailto:tb-petitions@ohchr.org)

For complaints to the Committee on the Elimination of Discrimination against Women:

- Go to:  
<http://www.ohchr.org/english/bodies/docs/annex2.pdf> or contact:
- Mail: Committee on the Elimination of Discrimination against Women  
c/o Division for the Advancement of Women,  
Department of Economic and Social Affairs  
United Nations Secretariat  
2 United Nations Plaza  
DC-2/12th Floor  
New York, NY 10017  
United States of America  
Tel: + 1-212-963-3463

The Convention on the Rights of the Child is the only international human rights treaty with a mandatory reporting procedure which does not have, in addition, an existing or draft communications procedure. This is a serious matter of discrimination against children.

However a number of organisations are campaigning for such a mechanism to be established. Find out more here:  
[http://www.crin.org/law/CRC\\_complaints/](http://www.crin.org/law/CRC_complaints/)

#### Special Procedures

Some special procedures intervene directly with Governments on specific allegations of violations of human rights that come within their mandates. The intervention can relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring.

#### How does it work

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:  
<http://www.ohchr.org/english/bodies/chr/special/communications.htm>

To simplify the process, questionnaires regarding cases of alleged

#### How individuals can use mechanisms of the United Nations to submit complaints

#### Treaty bodies

violations have been prepared for several of the mandates and are available in English, French and Spanish here:  
<http://www.ohchr.org/english/bodies/chr/special/questionnaires.htm>

Children or their representatives may submit complaints to any of the SP, the following focuses on children: the **Special Rapporteur on the sale of children, child prostitution and child pornography**, go here:  
<http://www.ohchr.org/english/issues/children/rapporteur/model.htm>

#### Who to send it to

After consulting the requirements established by each mandate for the submission of allegations, information can be submitted by:

- Fax to: +41 22 917 90 06
- Email to [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)
- By postal mail to: OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland

*Note: Please specify which special procedure mechanism the information is addressed to in the subject line of the e-mail or fax, or on the cover of the envelope.*

#### See also the upcoming visits of the SP:

<http://www.crin.org/resources/infoDetail.asp?ID=15308>

#### Complaint procedure of the Human Rights Council

A new complaints procedure is being established to replace the previous 1503 procedure. This 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.

Ill-founded and anonymous communications are screened out by the Chairperson of the Working Group on Communications, together with the Secretariat, based on the admissibility criteria. Communications not rejected in the initial screening are transmitted to the State concerned to obtain its views on the allegations of violations.

Before making a complaint, you should look carefully at what the criteria are for complaints to be accepted. Go here: <http://www.ohchr.org/english/bodies/chr/complaints.htm>

Communications intended for handling under the Council Complaint Procedure may be addressed to:

Treaties and Human Rights Council Branch  
OHCHR-UNOG  
1211 Geneva 10, Switzerland  
Fax: (41 22) 917 90 11  
E-mail: [CP@ohchr.org](mailto:CP@ohchr.org)

#### Links and further information

- Information page on Treaty bodies
- Information page on Special Procedures
- See also the upcoming visits of the Special Procedures
- Information page on the Human Rights Council
- Campaign to establish a CRC complaints mechanism

- Website of the Office of the High Commissioner for Human Rights
- A to Z of child rights

### Special Procedures

#### What are the Special Procedures?

They 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 eg, 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**, eg 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 wants 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.

These should not be confused with the 18 Independent Experts who form the Committee on the Rights of the Child. They are persons of ‘high moral character and recognised competence in the field of human rights’. Members are elected for four years by States Parties according to [Article 43](#) of the Convention on the Rights of the Child. Members serve in their personal capacity and may be re-elected if nominated. They may have a thematic or country mandate. [See the current list \(2007\)](#).

The Committee monitors implementation of the Convention on the Rights of the Child by its State parties. 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.

- **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. An example is the [Special](#)

[Representative for Children and Armed Conflict](#). 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. [Read why we need a Special Representative to the Secretary General violence against children and sign the petition](#)

- **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](#)

### 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 seven 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.
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.
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;
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;
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

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.

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.

There are a further two treaties which do not yet have a monitoring body as they have not yet entered into force. These are:

- International Convention for the Protection of All Persons from Enforced Disappearance (2006)
- Convention on the Rights of Persons with Disabilities (2006)

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

- The **HRC** 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.

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 High Commissioner for Human Rights (OHCHR)

#### 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

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.
- 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.
- 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 2008-2009. These priorities include:

- 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 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.

[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](#)

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](#)

Note, the Committee on the Rights of the Child is the only treaty body with a mandatory reporting procedure that does not have an independent complaints procedure. This is a serious matter of discrimination against children. Find out about the campaign to establish such a procedure [here](#):

Read: Working with OHCHR: a handbook for NGOs

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

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Palais des Nations  
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](#)

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 the two Optional Protocols.

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

The Committee cannot consider individual complaints, although child rights issues may be raised before other committees. Read about the campaign to establish an individual complaints mechanism through an Optional Protocol.

#### **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 extrajudicial, 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-session 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-session 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 page](#).**

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](#) (1990) 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 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.

## **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.

### **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 104 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

- 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.

#### The Coalition for the ICC?

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.

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

#### What is the difference between the ICC and the International Criminal 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 USA and the ICC

The Former US 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, current US President George W. Bush nullified Clinton's signature on 6 May 2002. Since then, the US has launched a full-scale campaign against the ICC, claiming that it may initiate politically motivated prosecutions against US nationals. This has included bilateral immunity agreements and refusing aid to States who are members of the ICC. However, in November 2006, the US issued a limited waiver on these aid cuts. [Read more here](#)

#### Background information

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

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

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

Special edition of CRINMAIL on the ICC

#### Publications

REDRESS: [Victims, Perpetrators or Heroes? Child soldiers before the International Criminal Court \(September 2006\)](#)

Coalition for an International Criminal Court: [The International Criminal Court and Child Victims of Genocide, War Crimes and Crimes Against Humanity \(August 2001\)](#)

Terre des Hommes - Italy: [ICC and Children's Voice. International Criminal Court and Children Victims Of International Criminal Exploitation \(June 2001\)](#)

#### Websites

War Crimes Studies Centre, University of California, Berkeley  
Crimes of War Project  
Victims' Rights Working Group

## The International Labour Organisation (ILO)

#### 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

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 start 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 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](#)

#### 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 192 Member States. Its main function is to determine the organisation's policies.

### Children and 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 per cent) and 150 million (or 14 per cent), 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.
- 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.
- 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.
- 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 Prehospital 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 authorized 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. 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)

**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)

**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**

**United Nations Office on Drugs and Crime**

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.

**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.

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.

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.

**Related links**

- What if the victim consents? Can children consent?

**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.

**Drugs**

**Resources for children**

- ROSA: Drugs are not child’s play

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:**

**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 185 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.

**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 endeavors 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 185 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 Center 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 World Bank is like a cooperative, where its 185 member countries are shareholders. The shareholders are represented by a Board of Governors,

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 Center, 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 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 United Nations Children's Fund (UNICEF)

### 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 191 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).

## The UN Educational, Scientific and Cultural Organisation (UNESCO)

### 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.

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

- develop innovative ways of providing education for people with special needs, living on the streets and in conflict and emergency zones
- broker partnerships between public, private and non-governmental actors to ensure better coordination of efforts and to sustain political momentum.

Read more [here](#)

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

- 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)

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)

## Using Regional Human Rights 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 have been prevented from seeking justice.

Regional mechanisms have so far been established for Africa, the Americas and the Caribbean, and Europe\*.

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, all three regional systems 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.

\*While there are political bodies which strive to promote regional cooperation on political and economic issues in both Asia and the Arab League, no mechanisms exist as yet for vindicating child rights. Discussions have been initiated by the regional grouping ASEAN (Association of Southeast Asian Nations) about establishing human rights mechanisms for Southeast Asia.

Search the list of regional mechanisms below to find out what channels are open to you for challenging breaches of child rights in your region:

- Africa
- Americas and the Caribbean
- Europe

#### 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 People's 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 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 Peoples' 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 People's Rights

The **African Court on Human and People's 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.

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 and the Caribbean

**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 the American Convention on Human Rights.

CRIN’s guide to the Inter-American Commission

A **Special 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. Communications may also be addressed to other Rapporteurs, go to...to read more.

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 Human Rights Convention. 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; States must have ratified the Protocol to the Charter which entered into force in 1998. This Committee, which protects social and economic rights, complements the work of the European Court of Human Rights which protects civil and political rights.

[Find out here](#) if your country has ratified the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints

## 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
- adopting Conventions and Additional Protocols
- assessing a State’s eligibility for membership of the Council of Europe

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.

### Child 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** (1943), 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:

- 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

#### **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 child 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 current Commissioner is Thomas Hammarberg. He has issued the following 'viewpoints' on child rights:

[Children in migration deserve better protection](#)

[It is wrong to punish child victims - Viewpoint on juvenile crime](#)

[Children and corporal punishment: "The right not to be hit, also a children's right"](#)

#### **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](#)

#### **Building a Europe for and with Children**

Building a Europe for and with Children is a three-year Council of Europe programme which aims to help decision-makers develop national strategies to promote child rights and protect children from violence. The programme was launched following the Third Summit of Heads of State and Government of the Council of Europe (Warsaw 2005).

[Read more](#)

### 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 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](#)

## 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 civil and political 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.

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.

### Child rights at the 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:

- [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](#)

### 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.](#)

Other child rights breaches which have since been litigated at the Court include the ill-treatment of minors in police custody; the detention and deportation of a five-year-old; special weight given to overriding interest of a child's preference to remain with her foster family and not be returned to her natural family; parental corporal punishment, corporal punishment at school.

### 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 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 by 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. The current Commissioner is Thomas Hammarberg.

#### **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. 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 and ratified by 38.

It 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.

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

### 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 paragraphs 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 which will enter into force in October 2007. 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 will 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

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.

Fourteen States have currently accepted the collective complaints procedure. View these [here](#). Only one, however - Finland - has recognised the right of national NGOs to lodge collective complaints against it.

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.

share information and experiences in the first meeting of the European Forum on the Rights of the Child (June 2007). [More info](#)

### Child rights in the European Union

At present, the European Union (EU) institution has no obligation to respect the UN Convention on the Rights of the Child (CRC). However, all EU Member States as individuals are bound to it as they ratified the Convention.

The EU specifically addresses children's right in [article 24 of the EU Charter of Fundamental Rights](#) adopted in 2000, as well as [article I-3 paragraph 3 of the Draft Constitution for the European Union](#).

The proposed [EU Constitution](#) contains provisions to make the Charter a legally binding document which would be part of the EU treaties. However, the constitution has an unsure existence because the people of countries including France and the Netherlands said 'no' to its establishment in national referenda.

Although not binding, the EU Charter has become an important reference document, and the Advocates General of the European Court of Justice (ECJ) have referred on several occasions to the Charter in ECJ cases.

Meanwhile, as there is no direct mention of children's rights in EU treaties, EU institutions have used existing legal basis, for example [Article 13 of the Treaty establishing the European Community](#), [article 29 of the Treaty on the EU](#) and [137 of the Amsterdam Treaty](#). These have been used to develop policies and programmes, notably in relation to discrimination against children, child protection, child poverty and social exclusion.

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

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

The draft EU constitution has suggested the European Union accede (in other words 'sign up') to the European Convention on Human Rights, which is a text from the Council of Europe. As a result the European Court of Human Rights, a Council of Europe institution, would have been in charge of examining how the European Union respects fundamental rights.

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.

### 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 contains seven long-term objectives (such as fighting child poverty), and short-term measures (including a telephone helpline for children to access from all over Europe). The Commission will also appoint a "Coordinator of the Rights of the Child", to act as a contact person and ensure coordination.

The proposal for a European Union strategy on children's rights is still being discussed. The European Parliament is now (1 June 2007) preparing a [report](#) addressing the strategy. Children's rights experts were invited to

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

- [DAPHNE 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 mainstreamed in funding from 2002-2004. [More information](#)

For a complete list of areas covered please [click here](#) and for documents and lists of projects [click here](#)

### Controversy over the 'EU Return Directive'

The EU's "returns directive" - approved by members of Parliament (MEPs) 18 June 2008 - is officially designed to provide a common approach to the length of time under which migrants facing expulsion can be kept in custody. At present, there is no mandatory limit on the duration for which migrants can be held in seven of the Union's 27 countries.

Among the criticisms, experts are worried about insufficient safeguards for children.

Under the new law, approved on what some have called one of the Union's "darkest days", the threshold for the maximum length of detention would be set at six months, yet this could be extended for a further 12 months in many circumstances.

The MEPs' decision was taken despite strong opposition from a wide coalition of churches and groups campaigning on human rights and civil liberties, who regard the 18-month limit as an excessive measure, particularly given that most migrants have not been convicted of any

crime.

Ten independent human rights experts of the Special Procedures of the United Nations Human Rights Council expressed, in a letter to the Presidency of the Council of the European Union (France), their concerns regarding the proposal. Read more 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.

Finally, the European Commission incorporates a “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.

### Read more

- 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

## African Union (AU)

### Introduction to the 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 People’s Rights

The African Court on Human and People’s 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 was held in New York in December 2007. Prior to this ‘high-level commemorative event’, the African Union held a mid-term review to look at how the African Common Position is being implemented five years after its adoption.

The review included 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.

### Key documents

- UN GA Special Session on Children: The African Common Position as Africa’s Contribution(2001)
- African Movement of Working Children and Youth: Africa NGO comments on: Pan-African Forum for Children, Africa Fit of Children
- CRIN's information page on the UN Special Session on Children

## Links and contacts

### African Commission on Human and People's Rights

Kairaba Avenue, P.O. Box 673, Banjul, The Gambia

Tel (220) 4392 962; Fax (220) 4390 764

Email [achpr@achpr.org](mailto:achpr@achpr.org)

Website: <http://www.achpr.org>

### African Union Headquarters

P.O. Box 3243, Addis Ababa, Ethiopia

Tel: (251) 11 551 77 00 ; Fax: (251) 11 551 78 44

Website: <http://www.africa-union.org>

### African Committee on the Rights and Welfare of the Child

Commission of the African Union

African Union Headquarters

P.O.Box 3243, Roosevelt Street (Old Airport Area)

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### New Partnership for African Development (NEPAD)

NEPAD Secretariat

P.O. Box 1234, Halfway House, Midrand, 1685, Johannesburg, South Africa

Website: <http://www.nepad.org>

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 overarching principles of non-discrimination, participation, the best interests of the child, survival and development, evolving capacities.

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](#)

## African Committee on the Rights and Welfare of the Child

### What are its powers and functions?

The information below is a rough guide to the work of the African Committee on the Rights and Welfare of the Child. The Committee is still in the process of establishing its working methods and only recently began to examine State parties' reports on child rights in May 2008. This guide is therefore a working document.

### 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 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.

[Guidelines for submitting reports](#)

[Guidelines for considering reports](#)

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.

### How can civil society organisations participate?

The parameters of civil society's participation have not yet been formally established. Some draft criteria for granting NGOs and other associations observer status to allow them to participate in the Committee's activities were agreed upon and are available [here](#).

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

The Committee has not yet undertaken any investigations, but it 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.

Some of the ways NGOs and associations will be allowed to participate include:

- attending opening and closing ceremonies of the Committee sessions,
- participating in the Committee's meetings
- accessing documents that are not confidential and do not deal with issues concerning the observers
- being invited to participate in closed sessions dealing with issues that concern them
- making statements on issues that concern them, provided the statement has been sent to the Committee in advance
- responding to questions they may be asked in meetings

### 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.

### 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; for example, Egypt does not consider itself bound by this article. Any individual, group or non-governmental organisation recognised by the African Union, by a Member State, the UN, or children themselves may bring such a complaint.

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.

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.

### 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.

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

### 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. However, the Committee began its work in 2001 and as of December 2006, only the following countries had submitted their initial reports: **Egypt, Mauritius, Rwanda and Nigeria**. The Committee began examining State Party reports in May 2008. [Search for reports here](#). Rapporteurs have been appointed to examine each country's report.

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.

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

### 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.

No such requests for provisional measures have yet been made, but see

examples of provisional measures requested in by other regional human rights mechanisms here: the Inter-American Commission - Council of Europe

Resolution on the Ratification of the African Charter on the Rights and Welfare of the Child (1999)

#### Session reports

8th session: report

7th session: report

#### Upcoming on-site visits

At its 8th session, the Committee of Experts agreed to undertake visits to encourage countries which have not already done so to ratify the Charter, and to encourage others to submit their country report. Visits will be made shortly to **Tunisia, Sao Tome and Principe, Democratic Republic of Congo, Gabon, Liberia and Zambia**. Dates for the missions have yet to be set.

#### Other complaints mechanisms in the African system

Complaints can also be submitted to the African Commission on Human and People's Rights

In addition, the African Court of Justice was formally launched in July 2006, but has yet to begin its work.

#### Other child rights documents in the African system

##### AU / OAU Assembly of Heads of State and Government

Decision on the Pan-African Forum on the Future of Children (2001)

Decision on the ILO Convention on the Banning of the Worst Forms of Child Labour and Immediate Action for its Elimination (1999)

Tunis Declaration on Aids and the Child in Africa (1994)

Resolution on the World Summit on Children (1990)

Declaration on the Rights and Welfare of the African Child (1979)

##### AU Executive Council / OAU Council of Ministers

Decision on the Report of the Secretary-General on the Pan-African Forum on the Future of Children (2001)

Decision on the Global Partnership for Children: "Africa's Children, Africa's Future" (2000)

Decision on the Report on the African Conference on the Use of Children As Soldiers (1999)

Decision on the Progress Report of the Secretary-General on the Activities Related to the Ratification of the African Charter on the Rights and Welfare of the Child (1999)

Resolution of the Plight of African Children in Situations of Armed conflict (1996)

Resolution on the Strategies for the Decade for the African Child (1989)

Resolution on the Programme of Essential Medicines for Children and their Mothers (1988)

#### African Committee on Human and Peoples' Rights:

#### Useful links and contacts

##### African Committee on the Rights and Welfare of the Child

Commission of the African Union  
African Union Headquarters  
P.O.Box 3243, Roosevelt Street (Old Airport Area)  
W21K19 Addis Ababa, Ethiopia  
Tel: + (251) 1 51 35 22; Fax: + (251) 1 53 57 16  
Email: [dsocial@africa-union.org](mailto:dsocial@africa-union.org)  
Website: <http://www.africa-union.org/child/home.htm#>

##### African Network for the Prevention and Protection against Child Abuse and Neglect

Komo Lane, Off Wood Avenue, P.O. Box 1768, 00200, City Square, Kenya  
Tel: + 254 020 3873990/3876502/3861086; Fax: + 254 020 3876502  
Email: [regional@anppcan.org](mailto:regional@anppcan.org)  
Website: <http://www.anppcan.org>

##### African Child Policy Forum

P.O.Box 1179, Addis Ababa, Ethiopia  
Tel: +251 11 6628192/96/97/99; Fax: +251 011 6628200  
Email: [info@africanchildforum.org](mailto:info@africanchildforum.org)  
Website: <http://www.africanchildforum.org/index.asp>

##### The Institute for Human Rights and Development in Africa

Brusubi Layout 949, Coastal Highway, P.O. Box 1896, Banjul, The Gambia  
Tel: +220 996 22 80, 775 12 00, 775 12 01; Fax: + 220 449 41 78  
Email: [info@africaninstitute.org](mailto:info@africaninstitute.org)  
Website: <http://www.africaninstitute.org>

##### Save the Children Sweden (Eastern and Central African Region)

PO Box 19423, 202KNH, Nairobi, Kenya  
Tel: + 254 20 2711 282; Fax: + 254 20 2711 280  
Email: [david.neveling@swedsave-ke.org](mailto:david.neveling@swedsave-ke.org)  
Website: <http://www.rb.se>

#### African Commission on Human and People's 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 People's Rights, monitors the implementation of the rights set out in the Charter. All 53 African States are Parties to the Charter.

#### Ratifications of the African Charter on Human and People's Rights

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 vs. 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. No provisional measures have been requested to protect children to date, but the Committee of Experts on the Rights and Welfare of the Child can also issue these.

## African Court of Human and People's Rights

In July 2006, The African Union launched Africa's first court which enables States and individuals to challenge governments on violations of the human rights set out in the African Charter on Human and People's Rights.

The African Court on Human and People's Rights, which was established on paper in 1998, is based in the Tanzanian capital Arusha.

The Court has yet to begin its work, but updates will be available on its website.

The Court can rule on any international treaty or law ratified by African States, AU organs, individuals and non-governmental organisations can all request decisions.

#### More information

- Resolution on the Establishment of an Effective African Court on Human And Peoples' Rights
- African Charter of Human and People's Rights
- Website of the African Court of Justice

### 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 as the African Court of Human and People's Rights has yet to open for business.

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. Though the Protocol of the Court was adopted in 1991, the Court only became operational in 2001 with the appointment and swearing in of its members. Many community citizens are still not aware of the existence of the Community Court of Justice or of the role it ought to play in the integration process.

The Court can rule on allegations of human rights breaches, and also issue "advisory opinions", when someone asks for clarification of a legal matter.

**October 2008 also saw a landmark ruling grip both the regional and international press.** The Court of Justice found in favour of Hadijatou Mani, from Niger, who was sold aged 12 and made to work for 10 years in slavery. A judge ordered the government - which claimed it has done all it can to eradicate slavery - to pay Ms Mani 10m CFA francs (£12,430; \$19,750). The decision, which is binding on all ECOWAS Member States, could also have huge consequences for thousands of other people who have been kept in conditions of slavery across the region.

#### 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

Parliament contacts: International Conference Centre, Garki, Abuja  
Nigeria P.M.B. 576  
Tel. +234-9-5240625 / 5240621  
Email: [ecoparl@ecowas.int](mailto:ecoparl@ecowas.int)  
Web: <http://www.ecowas.info/>

**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 is a member but has been excluded from participating in the OAS since 1962.

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 no body specifically for monitoring child rights, but it does have 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, José Miguel Insulza.

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 Bogot, Colombia. The Charter entered into force in 1951 and was amended twice.

Although the Charter does not mention human rights very much, 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. for the investigation of a particular situation.

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](#)

Find out more about child rights in the inter-American human rights system here: [Inter-American Commission on Human Rights – Inter-American Court of Human Rights](#).

### Inter-American Commission on Human Rights

#### General Information about 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 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 defense 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 supervise the 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

##### 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 seek justice in their own country. The Commission brings together the petitioner and the state to 'explore' a friendly settlement'. If such an outcome is not possible, the Commission may recommend specific measures, or may report 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 [on-site visits](#) for assessing and reporting on the human rights situation of a state. It can then issue recommendations.

The Commission may also give priority to certain issues by creating [rapporteurships](#) to focus on these areas. Current rapporteurships exist on 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
- 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

More information about these is available from the Center for Justice and International Law (CEJIL) at <http://www.cejil.org>

##### 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 that 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 to make changes to their legislation.

#### **What kinds of cases have been brought before the Inter-American Court?**

Individual complaints can only be taken directly to the Court by States Parties to the American Convention and the Inter-American Commission. Other parties must submit their case to the Commission which may then refer it to the 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 Nicol's," 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.

Some of the other cases to come before the Court and establish important precedents include:

- extra-judicial executions of street children in Honduras (Marco Antonio ServellÚn and others vs. Honduras)
- extra-judicial executions of street children in Guatemala (Villagr-n Morales and others)
- children held in adult detention facilities in Honduras (Minors Detained in Adult Prisons vs Honduras)

Read more about the Court's work [here](#)

#### **Is there someone appointed to focus specifically on issues relating to child rights at the InterAmerican Commission?**

A Special Rapporteurship on Children's Rights was created in 1998 in response to pressure from NGOs. The current Rapporteur, Paulo Sérgio Pinheiro, was appointed to the Commission in 2004. His mandate is for four years. Commissioner Pinheiro is also the Special Rapporteur on Antigua and Barbuda, Barbados, United States and Venezuela.

#### **What are the duties of the Rapporteur on Children's Rights ?**

The Special 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 on-site visits carried out by the Special Rapporteur on Children's Rights below**

#### **Commission Hearing on Corporal Punishment of Children - October 2005**

During a visit to Washington, D.C in October 2005, a delegation led by Save the Children Sweden and the Andean Commission of Jurists, requested a thematic hearing at the Inter-American Commission on Human Rights on corporal punishment of children.

The objective of the hearing was to request that the Commission includes corporal punishment of children as a breach of children's human rights within their existing monitoring mechanisms of human rights in the Americas.

The petitioners presented the results of research carried out in the region and requested that the Commission seek an advisory opinion from the Inter-American Human Rights Court.

For more information about the hearing, visit the following links:

[Inter-American Commission on Human Rights: Call to End all Corporal Punishment of Children](#)

[Inter-American Commission: Address by Peter Newell](#)

[Hearing at the Inter-American Commission on Human Rights on Corporal Punishment](#)

#### **Country Reports – Chapters on Child Rights**

The following country reports contain chapters which focus specifically on the rights of the child. To go directly to these chapters, visit the following links:

[Fifth Report on the Situation of Human Rights in Guatemala \(2001\)](#)

[Third Report on the Situation of Human Rights in Paraguay \(2001\)](#)

[Second Report on the Situation of Human Rights in Peru \(2000\)](#)

[Report on the Situation of Human Rights of Asylum Seekers within the Canadian Refugee Determination System \(2000\) - Go to Chapter 5 \(B\) Respect for Family Life and the Rights of the Child under the American Declaration\)](#)

[Report on the Situation of Human Rights in the Dominican Republic \(1999\)](#)

[Third Report on the Human Rights Situation in Colombia \(1999\)](#)

[Report on the Situation of Human Rights in Brazil \(1997\)](#)

[Report on the Situation of Human Rights in Haiti \(1995\)](#)

[Fourth Report on the Situation of Human Rights in Guatemala \(1993\)](#)

#### **State Responses to Inter-American Commission Reports**

[Response of the State of Paraguay to the IACHR's Recommendations on the "Third Report on the Situation of Human Rights in Paraguay"](#)  
Available in Spanish only (March 2002)

[Follow-Up Report on the IACHR's Recommendations on the Third Report on the Situation of Human Rights in Paraguay.](#) Available in Spanish only.

[Previous Inter-American Commission Sessions on Children's Rights](#)

## Report on 122nd Ordinary Session (11 March 2005)

Thematic hearing on the situation of children and adoption system in Guatemala and on commercial sexual exploitation in El Salvador Go to Part C

## 106th Ordinary Session

Recommendation on "Eradicating the Recruitment and Participation of Children in Armed Conflicts." (13 March 2000) Go to Part VIII, Item 24

## 103rd Ordinary Session

Rapporteur on Children's Rights Reports on "Sexual Violence against Boys and Girls in Latin America and the Caribbean", (11 May 1999) Go to Part III C.

## Useful documents

"The Legal Status and Human Rights of the Child," Advisory Opinion issued by the Inter-American Court of Human Rights (August 2002)

Presentation to the Inter American Commission on Human Rights on "The Situation of Street Children in Latin America", by Bruce Harris, Executive Director, Latin American Programmes, Casa Alianza/Covenant House Latin America. October 1997.

Signatures and Current Status of Ratifications of American Convention on Human Rights

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## Inter-American Court of Human Rights

### 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 means 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.

### Q&A on child rights and the Inter-American system

#### What provisions 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
- 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

More information about these is available from the Center for Justice and International Law (CEJIL) at <http://www.cejil.org>

#### 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, does not stipulate which 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 that 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 to make changes to their legislation.

#### 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 Nicol's," 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 (Villagr-n Morales and others v. Guatemala)
- the conditions of detention facilities for children in Paraguay (Instituto de Reeducacin 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 Decisions

#### 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. Read about how to submit a complaint to the Commission here:

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 issued one Advisory Opinion on Child Rights:

- **Advisory Opinion 17 on the Legal Status and Human Rights of children**

At a hearing in Washington in October 2005, a delegation led by Save the Children Sweden and the Andean Commission of Jurists urged the Inter-American Commission on Human Rights to declare all corporal punishment of children a breach of their human rights. They also asked the Inter-American Court to issue an Advisory Opinion on Corporal Punishment. This Advisory Opinion is still pending with the Commission.

Read about the hearing

#### 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.

## Decisions

**Street Children (Villagrán Morales and Others) vs. Guatemala** (11 September 1997. Serie C No. 32)

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 June 1990. Four were kidnapped, tortured, and shot dead by State officials. The fifth was shot in the street by the same officials.

The case, which is known as "Bosques San Nicol's," was brought before the Court by Casa Alianza and CEJIL after two years of trying to have the case dealt with in Guatemala. In 1999 the Court found the State of Guatemala guilty of violating the following rights enshrined in the American Convention: the right to life, physical integrity, personal freedom, judicial guarantees, judicial protection and the rights of the child (Articles 4, 5, 7, 8, 25, 19 and 1.1 respectively).

On 26 May 2001, the Court ordered the State of Guatemala 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
- change its domestic legislation in accordance with Article 19 of the American Convention.

The State of Guatemala adopted these measures in the following months. On 19 December 2001 it paid compensation to the victims' families. It also established an educational centre with a plaque dedicated to the memory of the five boys. The 'Minors Code' which had been in force since 1979 was abolished, and the national Congress passed a new 'Code for Children and Young People' which would enter into force one year later.

However, as a result of various delays, the law did not enter into force on time. Finally, and thanks to pressure from civil society, on 4 June 2003, the Law of Integral Protection of Children and Young People was passed.

## What was the wider impact of the case?

- The case signalled an important change towards protecting children and young people's rights; not just from a legal perspective, but also from a social, political and economic point of view.
- the case interpreted Article 19 of the American Convention in light of the Convention on the Rights of the Child and other international instruments.

- The Court found that the State of Guatemala had violated its obligations established under Article 19 of the American Convention. This extended its jurisdiction, or reach, to cover breaches of economic, social and cultural rights which are widely ignored in most States in the Americas. The Court recognised that "both the American Convention and the Convention on the Rights of the Child form part of a very comprehensive body of international law for protecting children and that it must serve the Court to determine the content and extent of the general provision made in Article 19 of the American Convention."

- The Court adopted the definition of a 'child', established in international human rights law, as someone under 18-years-old. The Court recognised the importance of a State Party to the Convention on the Rights of the Child condoning systematic violence against children 'at risk' within its territory. It went further, saying that when a State violates the rights of children 'at risk', such as children who live on the street, their rights become violated twice: firstly, because the State has not protected them from poverty and has deprived them of minimum standards of living, impeding the "full and harmonious development of their personality...". Secondly, the State has violated their physical, psychological and moral integrity, and even their life.

The Court, referring to the criminal record of one of the victims in particular, declared that the State had acted "in contravention" of its obligation to "intervene in the crimes committed by a minor [and consequently] [...] make efforts to guarantee his rehabilitation to allow them to play a constructive and productive role in society.

[extracted and translated from *Construyendo los Derechos de los Niños en las Américas-Segunda edición*, a publication by CEJIL and Save the Children Suecia - Regional Programme for Latin America and the Caribbean]

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## 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 Com'n 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;

### Child rights and MERCOSUR: Iniciativa Niñ@sur

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 are:

- 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 push for, and support a study on, the establishment of an Optional Protocol to the UN Convention on the Rights of the Child for an individual complaints procedure. MERCOSUR would make regional bloc interventions in support of such a mechanism at the UN Human Rights Council;
- 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. In addition, one of the current members of the UN Committee on the Rights of the Child, which monitors the Convention's implementation, Rosa Marla Ortiz, is from Paraguay. Civil society organisations may also contribute their experiences and observations.

### Conflict

Progress on MERCOSUR's initiatives has stalled as a result of internal disputes. The most recent clash has been over Venezuela's membership. This was agreed last year, but ratification of Venezuela's entry has been delayed in the Brazilian and Paraguayan Congresses. Some Congressmen argue that Venezuela does not comply with a clause in MERCOSUR's regulations which commits members to democracy; they are also unhappy about Venezuela's refusal to grant commercial and tariff concessions to other members. Venezuela's President, Hugo Chávez, has declared that unless the country's entry is approved within three months, he will withdraw Venezuela's application for membership.

In 2006 Argentina and Uruguay argued over Uruguay's plans to build pulp mills along the border it shares with Argentina. The project had attracted huge foreign investment. Argentina claimed it would create unacceptable levels of pollution and would damage its tourist industry in the region. The matter was taken to the International Court of Justice which ruled in Uruguay's favour. Argentina has vowed to continue fighting the case.

Other conflicts have centred around trade. Smaller countries, such as Paraguay, have only received restricted access to markets in Argentina and Brazil. Some countries have set up bilateral agreements externally which is forbidden by the organisation's regulations.

### 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 \[in Spanish\]](#)

## 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 League of 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 member 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 150 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.

### The Arab Charter on Human Rights, and how it conflicts with 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, 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.

#### More information

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If you have any suggestions or comments on this information page, please email us at [info@crin.org](mailto:info@crin.org)

### Child rights mechanisms in Asia

#### Does a regional child rights mechanism exist?

While there are political bodies which strive to promote regional cooperation on political and economic issues in Asia, no mechanisms exist as yet for vindicating breaches of child rights. Discussions have been initiated by the regional grouping **ASEAN** (Association of Southeast Asian Nations) about establishing human rights mechanisms for Southeast Asia.

The [Working Group for an ASEAN Human Rights Mechanism](#) was set up to establish an inter-governmental human rights commission for ASEAN.

The Working Group is a coalition of national working groups from ASEAN States made up of representatives of government institutions, parliamentary human rights committees, academics, and NGOs.

The [ASEAN Charter](#) was launched on 20 November 2007. It codifies ASEAN norms, rules, and values which include the promotion of democracy, human rights and obligations, transparency and good governance. Article 14 states that ASEAN will establish a human rights body in accordance with terms of reference decided by Ministers of Foreign Affairs.

The Working Group has also co-organised workshops and roundtable discussions on the regional human rights mechanism with host ASEAN governments and national human rights commissions.

ASEAN is considering the options below for the regional mechanism:

- A declaration of principles
- A commission which could monitor, promote, and make recommendations to States. It may also be authorised to receive complaints from States and or individuals. It may cover all rights, or initially, be issue-specific, focusing on the rights of a particular group.
- A human rights mechanism established out of the coordinating efforts of national human rights commissions in ASEAN countries.
- A court which could make binding decisions.

**Member States** of ASEAN are: Indonesia, Laos, Malaysia, Myanmar, Singapore, Thailand, the Philippines and Vietnam.

#### Read more

- [Towards an ASEAN Human Rights Mechanism: A Concept Paper](#)

### 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.

**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>

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<http://www.crin.org/resources/infoDetail.asp?ID=8043&flag=report>

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<http://www.ombudnet.org/enoc/>

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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.  
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- Promote recognition of human rights not yet embodied in legislation or practice

### 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, ombuds person -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 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)

#### Why establish an Ombudsperson?

- 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

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 (UNCRC)

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

- 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.

**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 – their independence must be respected, Commissioner for Human Rights, Council of Europe  
[Website of the European Network of Ombudspersons for Children](#)  
 The Ibero-American Network of Ombudspersons for Children was set up in November 2007