

Intersessional Working Group on the review of the mandates of the Special Procedures by the Human Rights Council

Joint Statement by the World Organisation Against Torture, Save the Children Alliance, Women's World Summit Foundation, Defence for Children International, ECPAT International, International Alliance of Women, SOS-Kinderdorf International, Global Initiative to End All Corporal Punishment of Children, World Vision International and International Federation of Social Workers.

Thank you Mr. Facilitator,

We would like to begin by saying that we strongly support the following principles concerning the review of Special Procedures as partly set out in Vitit Muntarbhorn's statement to the Human Rights Council on 28 September 2006 on behalf of the Coordination Committee of Special Procedures:

- Active participation of the Special Procedures in the review of mandates
- Keeping country and thematic mandates
- Special Procedures acting jointly as a system
- Independence
- The need for adequate human and financial capacity
- The importance of the willingness of States to collaborate
- The effective and direct interaction with the Council through flexible mechanisms, for ordinary and special sessions and for interactive dialogue and thematic debates
- The Council to follow up the recommendations, including through the Universal Periodic Review (UPR) process

Since their creation the Special Procedures have demonstrated their commitment to defending and promoting human rights, including the rights of the child, either through child-specific mandates or through mandates which have included a rights of the child dimension.

We strongly believe that a rights of the child perspective should be adopted throughout the work of the Human Rights Council. We call on this working group to integrate the rights of the child both into the process of the review and into the future reformed system of Special Procedures.

We believe that the review of mandates is an opportunity to strengthen and enhance the capacity of Special Procedures to address violations of the rights of the child.

We think the review should create mechanisms to facilitate joint actions and initiatives by Special Procedures when violations are related to different mandates so that they are addressed in a holistic manner, including violations of the rights of the child.

We strongly call on this working group to mainstream the rights of the child throughout the work of the Special Procedures. Indeed, each mandate, either country or thematic, should systematically include the rights of the child, both formally and substantively in its work.

This could, for instance, take the form of: a specific section considering the rights of the child in their annual reports; consulting with children and children's rights NGOs when visiting

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countries and including their perspectives in country visit reports and preparing analysis reports of specific issues relating to the rights of the child to be considered by their mandate.

It has been repeatedly stated that the review should include a rationalisation of the system. It is important that the review of mandates be based, in part, on an assessment of gaps in the protection of the rights of the child. One of the major tasks of this working group should be to identify and fill these gaps. Different criteria may be used in order to identify gaps: specific rights, specific groups, specific settings or situations. The following are preliminary indications of gaps that a new system of Special Procedures should be able to address:

- 1) Violence against children in the home and family: Violence against girls in theory is covered by the Special Rapporteur on Violence against Women and is considered as an extension of domestic violence suffered by women. Violence against boys is completely neglected. We would ask that age be seen as a specific cause of vulnerability.
- 2) Violence against children in institutions is not covered by any of the existing Special Procedures. This is of particular concern given that in most of the situations the institutions are run by the State and therefore imply a direct responsibility on the part of the State to protect and to prevent human rights abuses.
- 3) Violence against children in schools, although having been addressed in the past by the Special Rapporteur on Education, it is not systematically covered by any of the existing Special Procedures. Again, this is of particular relevance in State-run schools for direct responsibility and also in private schools for the responsibility of the State to prevent and monitor violations.
- 4) Violence against children in detention centres, police custody, remand homes. Several of the existing mandates touch on prison conditions (Special Rapporteur on Torture, Working Group on arbitrary detention, Special Rapporteur on summary executions) but none deals centrally with the whole range of human rights of prisoners – adults and children. Children in conflict with the law are very often considered a “matter for specialists” and therefore overlooked by existing mechanisms.

Mr Facilitator,

We strongly believe that it is time for this working group to start looking at substantive matters and to make the review an exercise that will set the basis for a new and more powerful system of Special Procedures. We are confident that both the review and the new Special Procedures will have a strong and inbuilt perspective of the rights of the child allowing the Council to address and redress violations of the human rights of all people regardless of their age.

Thank you Mr Facilitator.