

Item 3 – Promotion and Protection of all human rights, civil, political, economic, social and cultural rights, including the rights to development.

General debate

Joint oral statement on behalf of Defence for Children International (DCI)*, ECPAT International*, Kindernothilfe*, International Commission of Jurists* (ICJ), International Federation Terre des Hommes* (IFTDH), Save the Children International*, Plan International*, SOS Kinderdorf International*, World Organisation Against Torture (OMCT)*, World Vision International*, the Child Rights Information Network (CRIN), the Global Initiative to End Corporal Punishment, the NGO Group for the CRC¹, NGO Group for the CRC/ Japan², War Child Holland and Youth Empowerment Alliance, Inc.

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Thank you Mr President.

The following statement is made on behalf of 16 NGOs representing over 100 international and national NGOs.

Mr President,

In March 2010, the Human Rights Council mandated an Open-ended Working Group to draft a new Optional Protocol to the Convention on the Rights of the Child establishing a communications procedure for children's rights violations. After ten days of negotiations, on 16 February 2011, the Working Group adopted a draft optional protocol ad referendum with the aim to finalise what arguably constitutes one of the fastest negotiation processes for an international treaty.

While we welcome the efforts undertaken by States and the progress made, we are concerned that the rush to agree a draft within ten days seriously undermined the commitment expressed by States, as reflected in the draft Preamble to the OP, to create a child-sensitive instrument.

As a result, the final draft text includes contradictions, and some of the draft's current articles are inconsistent with the provisions of the Convention on the Rights of the Child.

Mr. President,

This week, the Human Rights Council discussed ways to better address certain key children's rights issues, namely the sale of children, child prostitution and child pornography, violence against children; and children in street situations. In this context, many States rejoiced at the upcoming adoption of the new Optional Protocol, suggesting that they see this new international instrument as an important tool in improving the protection of children's rights, and ending all forms of violence and exploitation.

To meet these goals, however, the new procedure needs to be effective, accessible to children and also free from legal uncertainty.

*NGOs with ECOSOC status

¹ The NGO Group for the CRC is a network of over 70 child rights organisations around the world.

² The NGO Group for the CRC Japan is a network of 37 NGOs in Japan.

The rush to agree a draft text within ten days also prevented States from examining in detail the proposed optional collective communications mechanism, which would allow recurring violations of children's rights to be challenged without the identification or involvement of specific child victims.

This optional mechanism, designed to take children's special and vulnerable status into account and to complement individual and group communications, was advocated by the Committee on the Rights of the Child, UNICEF and all experts involved in the drafting process. It was also strongly supported by the International Coordinating Committee of National Human Rights Institutions, ombudspersons for children and a full range of international and national NGOs working with children.

With such firm backing from all of the actors with direct experience of the difficulties of pursuing violations of children's rights - and from a significant number of States -, and despite the mechanism being optional within this "Optional" Protocol, the current deletion of collective communications is a sad omission.

We trust that the Human Rights Council, bearing the best interests of children in mind, will cure the inconsistencies and contradictions existing in the current proposal and act to ensure that the draft text is corrected to provide an effective communications procedure for children.

Thank you, Mr President