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**Human Rights Council**  
**Working Group on an optional protocol**  
**to the Convention on the Rights of the Child**  
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**Reasons and timing for a communications  
procedure under the Convention on the Rights of  
the Child**

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the Child**

## Introduction

I am a strong believer of “If there is a will, there is a way” statement. It was my strongest will that the Convention on the Rights of the Child will have a communications procedure that would complete the work started by the visionaries almost a century ago: Children are human beings with inherent rights. What is most exciting and inspiring is that this Working Group was made possible at the 20<sup>th</sup> anniversary of the Convention. Although, I must say, a working group that would be elaborating the optional protocol would have been the best anniversary gift. Nevertheless, next year is the 20<sup>th</sup> anniversary of the entry into force of the Convention, henceforth, these five days will be crucial in reaching a strong decision that will enable the Human Rights Council to adopt a resolution setting up the elaborating working group.

Allow me to thank all of you who made this week possible: Missions of Slovenia and Slovakia, co-sponsors of the HR 11/1, the NGO Group who have been at the front of this initiative, the Secretariat of the OHCHR, Experts who are participating in this Working Group, and others.

It is unfortunate that Professor Pinheiro could not join us today. He has submitted an excellent paper on this topic. What I would like to do is to add to and emphasize the rationale behind the reasons and timing for a communications procedure. Please note that I do not say ‘reasons and timing to elaborate a communications procedure’. Why? One might ask. The answer is quite simple. The timing and the reasons are so evident. During the course of this week, many experts will be elaborating on the ‘what’ and the ‘how’ an optional protocol would entail and the best manner to proceed, taking into account of the other existing mechanisms.

We all know that the idea of a communications procedure to the Convention on the Rights of the Child is not new. It was debated during the drafting and the negotiation process of the Convention. And it was brought back into the forefront at the Commemorative Celebration of the 10<sup>th</sup> Anniversary of the Convention, back in 1989. However, the idea did not gain further traction. If I were to think of the reasons why the process did not move forward, it would be because the international community was heavily involved in establishing standards to protect children from armed conflict and sale, prostitution, and pornography. When I was elected as the Chairpersons of the Committee, I was determined to bring this issue back into the forefront. The Committee henceforth spent a year and a half on studying the pros and cons of such a procedure, given the heavy workload and the far-too-understaffed Secretariat. The Committee came to the decision that such a mechanism is not only possible, but necessary. Henceforth, I reported to the 63<sup>rd</sup> Session of the GA that such a procedure would “significantly contribute to the overall protection of children’s rights”.

## Reasons for why we need a communications procedure now

Allow me to give you a brief historical background of the work that made it possible to recognize children as human beings, with rights. During the past century, the international community moved away slowly from believing and treating children as immature, irrational beings, and possessions of their parents.

- 1919 League of Nations establishes the “Committee for the protection of children”
- 1923 Elgantyne Jebb drafts the declaration of the Rights of the Child
- 1924 League of Nations adopts Declaration of the Rights of the Child

- 1926 League of Nations requests revision of the first declaration of the Rights of the Child
- 1948 UN adopts the Universal Declaration of Human Rights
- 1959 UN adopts the second Declaration of the Rights of the Child
- 1979 International Year of the Child: Working group established to draft the Convention on the Rights of the Child
- 1989 CRC adopted by the UN General Assembly

It took 10 years for the Convention on the Rights of the Child to be adopted. In my country, there is a saying that ‘good comes out of every bad’. Ten years in the drafting and negotiation of an instrument that would recognize children as holders of rights may have been necessary. Ultimately, it became the first comprehensive international treaty that encompasses civil, political, economic, cultural, and social rights, including special protection measures for all persons under the age of 18. It also proceeded with speedy ratification period, becoming the almost universally ratified treaty.

There were numerous other declarations, conferences, and pledges made to uphold, promote, and protect children and their rights.

- In September 1990, largest gathering of world leaders in history assembled at the United Nations to attend the World Summit for Children. Led by 71 heads of State and Government and 88 other senior officials, mostly at the ministerial level, the World Summit adopted a Declaration on the Survival, Protection and Development of Children and a Plan of Action for implementing the Declaration in the 1990s. At the World Summit for Children in 1990, the world pledged universal access to primary education by 2000, yet 130 million or more primary-aged children were not in school by then.
- 1993 at the World Conference on Human Rights held in Vienna, reiterated the principle “First Call for Children”. It further pledged to “Measures should be taken to achieve universal ratification of the Convention on the Rights of the Child by 1995 and the universal signing of the World Declaration on the Survival, Protection and Development of Children and Plan of Action adopted by the World Summit for Children, as well as their effective implementation. The World Conference on Human Rights urges States to withdraw reservations to the Convention on the Rights of the Child contrary to the object and purpose of the Convention or otherwise contrary to international treaty law”.
- On September 8, 2000, the General Assembly adopted the United Nations Millennium Declaration, and the Millennium Development Goals within the Declaration. One hundred and eighty nine (189) nations committed themselves to achieve these Development Goals by 2015.
- May 2002, the UN General Assembly held a Special Session on Children. It was attended by 69 Summit-level participants and 190 high-level national delegations. They had committed their governments to a time-bound set of specific goals for children and young people, and also agreed on a basic framework to achieving these goals. A Plan of Action “Creating a World Fit for Children” was adopted, promising the following:
  - Promoting health lives
  - Providing quality education
  - Protecting against abuse exploitation and violence

- Combating HIV/AIDS
- Mobilizing resources
- Follow-up actions and assessment – including regular monitoring of progress at the national and international levels in the achievement of these goals

(UN Study on Violence published in 2006, yet revealed the seriousness, magnitude, and pervasiveness of violence committed against children)

- On December 11 of 2007, World Fit for Children + 5 Special Session was held, and the pledges that Heads of States made at the 2002. Sessions were reaffirmed.

## Conclusion

**Nearly a century of hard work dedicated to children and their rights, and their right to exercise their rights! Various norms and standards, guidelines, and pledges! There has been remarkable progress due to these various activities. And yet so many children are still not in school, do not receive quality education, lack access to quality health services, not registered at birth, caught in the middle of conflict, die due to preventable deaths, violated and abused.**

**It leaves me to ask the following question. Are children really recognized as true holders of rights? Are the States doing everything possible for children to exercise their rights? Is the international community doing everything possible to monitor this? What are the fundamental reasons why children continue to live in a world that is not ‘fit for children’? Perhaps these are the exact questions that you too are all asking yourselves.**

**Let me conclude by making some observations on the timing of the procedure. Some might argue that it is too early for such a procedure. Some might argue that it is the right timing. I would argue that it is long overdue. As I discussed earlier, children and their rights have been in the international debate for nearly a century. I certainly hope that the need for a communications procedure will leave no room for ‘agreement in principle’ but ‘hesitant with the actual procedure’. Some may be reluctant to such a procedure, giving financial and social implications. But it is exactly for those financial and social implications that a communications procedure is necessary. I cannot emphasize more that you do not consider a communications procedure as an option.**

**Thank you!**

**(December 14-18, 2009)**

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