



Universal Periodic Review: The Status of Children's Rights

An Analysis of trends / Review of NGO Participation

The Universal Periodic Review (UPR) is a new mechanism of the UN Human Rights Council (HRC), whereby all UN Member States are reviewed by fellow States on their overall human rights records. The UPR has attracted a great deal of attention since its introduction in 2008, and now that the first cycle is almost complete, we need to look at the extent to which children's rights have been addressed. It is perhaps too early to measure the effectiveness of the UPR in terms of the implementation of the recommendations issued to States, but it is essential to look at how we engage with this mechanism and ensure we use it effectively so that those recommendations are useful to the work of civil society organisations on the ground.

This report highlights some of the key findings of an earlier and more detailed report published in 2010¹ and offers updated figures and some general recommendations for NGOs and others who wish to make use of the UPR. The next step – and challenge – will be to monitor whether governments are implementing the UPR recommendations and collect examples of how organisations are using the recommendations in their advocacy work. We welcome ideas and suggestions on how this can be done, and we look forward to continuing to work with organisations around the world.

1) To what extent are children's rights being addressed in the UPR?

A comprehensive analysis² of the first ten sessions of the UPR - *159 State Reviews* – has led to the following conclusions:

- ***One in five mentions focus on children's rights***

- Approximately one fifth of all points made across the UPR process are children's rights focused, but is this really satisfactory given that children's rights are relevant to nearly every aspect of international human rights?³
- Furthermore, the findings raise concerns over which issues are being addressed adequately and which ones are not, particularly by the different actors involved in the UPR process (States under review, UN bodies, UN Member States making recommendations, and NGOs). Table 2 in the Appendix clearly illustrates how States, in their reports, raise the issue of education significantly more than any other issue, whereas corporal punishment, for instance, is rarely addressed. Indeed, this trend is often also observed when States issue recommendations.

The example of Rwanda's UPR (10th Session)

Rwanda received 17 recommendations specifically on children's rights from UN Member States during their review. Seven of these focused on education and health issues and a further four requested the government to seek general technical assistance from UN agencies. Issues such as violence and minority groups didn't feature at all in the recommendations.

¹ In November 2010, CRIN launched “The Status of Children's Rights in the UPR” (see page 6 for link), a comprehensive analysis into the UPR covering the first seven sessions. This concise report updates the analysis to include the first 10 sessions. The second edition of the initial report will be published at the end of 2011 to include analysis of the full first cycle.

² The link to the methodology used can be found on page 6 of this report

³ View Table 1 in the Appendix

- ***States are avoiding more controversial issues***

States mostly tend to focus on, and accept, recommendations on 'softer' issues, such as education and health, and neglect, or reject recommendations on more controversial issues, such as corporal punishment or juvenile justice. Table 4 shows how only 4% of education recommendations are rejected, whilst 30% of juvenile justice recommendations are rejected.

- ***NGOs have an important role to play***

NGOs lag behind UN bodies and UN Member States in the extent to which they address children's rights in the UPR. Table 1 shows that 18% of all NGO points are child focused compared to 34% for UN bodies. Indeed, especially with States shown to avoid the more controversial issues, NGOs have an important role to play to highlight the full range of children's rights violations.

2) NGOs' Experiences: Successes and Challenges

CRIN interviewed a number of children's rights organisations including national and International NGOs, Ombudspersons and academic bodies about their experiences engaging with all stages of the UPR process. You can read a full summary of the responses in our main report as discussed above.

Key findings reported:

- ***NGOs are still learning about the UPR***

As the UPR differs from existing UN mechanisms in a number of ways, NGOs are, to an extent, still finding their feet.

- ***Two different perspectives***

A clear distinction exists between those who engage at the Geneva level - primarily international NGOs - and those far from Geneva. Having a representative based in Geneva enables organisations to combine report submission with lobbying. For obvious reasons, this is often not an option for national NGOs.

- ***The UPR as an additional advocacy tool***

A number of organisations alluded to the need to treat the UPR as an additional advocacy tool that complements their existing day-to-day work. The UPR was often seen as an 'enforcer' of existing advocacy carried out in relation to the Convention on the Rights of the Child (CRC), for instance.

- ***Wider benefits of engaging with the UPR***

A number of internal and external benefits emerged from the survey, with national NGOs in particular reporting that the UPR has helped them build alliances with the wider human rights community.

Comments from interviews with NGOs

“The UPR is an ongoing process, it is not just about submitting a report. Furthermore, the key is to integrate the UPR process into your day to day advocacy work, to use it as another advocacy tool. It is not a stand alone instrument but will add to the artillery.” (NGO)

“Reporting to these other bodies (over and above the CRC) complements our day to day work, and helps add external international pressure on the government. The UPR is consequently part of our overall advocacy campaign and another outlet to push on certain issues.” (National Coalition)

“Our next CRC alternative report is not due in until 2016, and so the UPR is our only opportunity to push the children's rights agenda, particularly as the government has agreed to produce mid-term UPR reports updating progress on the implementation of the final recommendations from the UPR.” (NGO)

3) Changes over the course of the first cycle

With the UPR being a new mechanism, it has been interesting to observe trends developing as the sessions have progressed. A couple of notable changes include:

- ***The number of recommendations issued has soared since the first session***

UPR Session 1 (April 2008):

- Total number of recommendations issued (all human rights issues): 318

- Total number of children's rights recommendations issued: 55

UPR Session 5 (May 2009):

- Total number of recommendations issued (all human rights issues): 1308

- Total number of children's rights recommendations issued: 243

- ***The number of child rights organisations engaging with the UPR has grown significantly***

For the 12th session (October 2011), every State review examined at least one report by a child rights organisation, with the majority examining a report from a child rights coalition. This stands in contrast with the start of the UPR process, where there was a child rights focused report for only 21 out of 64 reviews (Sessions 1 - 4) and very little involvement from coalitions. CRIN has compiled a database of all child rights organisations who reported to the UPR in the first cycle, including a list of coalitions. You will find the link on page 6.

Recommendations

Recommendations to States

Address the full range of children's rights issues in the State Reports	<i>In line with their obligations to uphold children's rights as stipulated in the CRC, States must use the UPR as an opportunity to outline progress made in implementing the full range of children's rights and not omit certain more controversial issues as our research illustrates has been the case in the first cycle.</i>
Consult with Civil Society	<i>States should consult with civil society throughout the process, including in the reporting stage and between reviews. NGOs felt there was little meaningful consultation during the process.</i>
Produce a Mid-Term Report	<i>States should produce mid-term progress reports illustrating steps being taken to implement the recommendations and make efforts to disseminate these widely.</i>
Involve children in the UPR process	<i>States must consult with children and incorporate their views into their reports.</i>

Recommendations to NGOs

Work Together	<i>Organisations should coordinate their efforts and support those who are not able to lobby in Geneva. Where possible, they should submit reports in coalitions to ensure that the full range of children's rights are addressed. The same should be done with follow up to the recommendations.</i>
Share Information with the wider child rights community	<i>Organisations that have reported to the UPR and / or lobbied their Governments should share their experiences with others, both good and bad. This can be done through the NGO Group for the CRC or CRIN.</i>
Include children in the process	<i>As with reporting to the CRC, organisations must consult with children at all stages of the UPR, including in the follow up process. Many organisations have produced toolkits or guidelines on how to do this meaningfully.</i>
Disseminate information	<i>Disseminate information about your Government's review, including the accepted and rejected recommendations, to children (in child friendly formats), the media, and all those who work with or for children. Ensure that your government does the same.</i>

Information Sources

- ◆ CRIN's Report: ***“The Status of Children's Rights in the UPR”***
<http://www.crin.org/resources/infoDetail.asp?ID=22015&flag=report#qn>
- ◆ CRIN's ***“Guide to using the UPR”*** based on responses to survey
<http://www.crin.org/resources/infoDetail.asp?ID=22015&flag=report#zz>
- ◆ The full list of rejected children's rights recommendations in the UPR
<http://www.crin.org/resources/infoDetail.asp?ID=22015&flag=report#pm>
- ◆ A database of all children's rights organisations who have reported to the UPR
<http://www.crin.org/resources/infoDetail.asp?ID=22015&flag=report#wq>
- ◆ Individual reports extracting children's rights mentions from each State review
(Read more about these reports on the next page and view an example)
<http://www.crin.org/resources/infoDetail.asp?ID=22015&flag=report#ww>
- ◆ Example of one of the above reports: Iran 's UPR
<http://www.crin.org/resources/infoDetail.asp?ID=22004&flag=report>
- ◆ The NGO Group for the CRC's new fact sheets on the UPR:
 - *'The Universal Periodic Review – Information for NGOs'*
 - *'NGO Submission for the UPR – Information for NGOs'**<http://www.crin.org/resources/infoDetail.asp?ID=26307>*
- ◆ The NGO Group for the CRC's new fact sheet on child participation:
 - *'Together with children – for children' – A guide for NGOs accompanying children in the CRC reporting process.**<http://www.crin.org/resources/infoDetail.asp?ID=26311&flag=report>*

Children's Rights Wiki

CRIN recently launched a Children's Rights Wiki, to bring together information about children's rights that already exists in one place, to assist children's rights advocates in identifying persistent violations, and to inspire collective action.

To find out more and access the Wiki, visit: *<http://www.crin.org/resources/infodetail.asp?id=26181>*

Child Rights Extract Reports (192 States)

CRIN has compiled individual reports for every State examined in the UPR (192 in total), extracting children's rights mentions throughout the UPR process, including from:

- The pre-review report issued by the State under review
- The pre-review UN Compilation report
- The pre-review Stakeholder Compilation report (NGOs, etc.)
- The accepted, rejected, and pending recommendations

For an example, see CRIN's report on Turkey's UPR below.

The screenshot shows a Mozilla Firefox browser window displaying the CRIN website. The address bar shows the URL: <http://www.crin.org/resources/infoDetail.asp?ID=22306&flag=report>. The page title is "TURKEY: Children's Rights References in the Universal Periodic Review".

CHILDREN'S RIGHTS

- Convention on the Rights of the Child
- CRC Documentation
- Alternative Reports
- Child Rights System

INFORMATION BY COUNTRY

- Afghanistan
- Albania
- Algeria
- American Samoa

CRIN THEMES

- About child rights

TURKEY: Children's Rights References in the Universal Periodic Review

Date: 10/05/2010
 Organisation: Child Rights International Network
 Resource type: UPR report

Summary:

A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the final report and the list of accepted and rejected recommendations.

www.crin.org/resources/infoDetail.asp?ID=22015&flag=report#jj

Turkey - 8th Session - 2010
 10th May, 2:30pm to 5:30pm

Scroll to:

- National Report
- Compilation of UN information
- Summary of Stakeholder compilation
- Accepted and rejected recommendations

National Report

87. Turkish education system is based on Article 42 of the Constitution stating that "no one shall be deprived of the right of learning and education" and "primary education is compulsory for all citizens of both sexes and is free of charge in state schools".

88. The basis of Turkey's education policies is to ensure that all citizens, regardless of language, race, color, gender, political thought, philosophical belief, religion or sect, enjoy their right to education in accordance with modern science and education, endowed with equal rights and opportunities.

89. Since 1998, compulsory primary education is increased to 8 years. Thus schooling rates in primary education is raised to 90 per cent. There are more than 14 million school children in Turkey.

APPENDIX**Table 1: Percentage of children's rights mentions compared to all mentions**

	National Report	UN Compilation	NGO Compilation	UN Member State final recommendations
SESSION 1	25%	45%	22%	17%
SESSION 2	18%	46%	29%	21%
SESSION 3	15%	28%	21%	22%
SESSION 4	12%	30%	11%	21%
SESSION 5	19%	36%	19%	19%
SESSION 6	16%	38%	15%	22%
SESSION 7	12%	26%	15%	16%
SESSION 8	12%	22%	17%	24%
SESSION 9	19%	31%	14%	20%
SESSION 10	18%	35%	18%	17%
OVERALL AVERAGE	17%*	34%	18%	20%

Overall average across UPR: 22%

Table Explanation:

-The figures in Table 1 represent the percentage of mentions of children's rights in the UPR, compared to all mentions.

* E.g. 17% implies that on average, 17% of all mentions in the National Reports for Sessions 1-10 focus on children's rights.

- Table 1 shows the breakdown for the different actors involved in the UPR process and the averages for each Session.

Table 2: Number of mentions of each particular children's rights issue⁴

	Health	Education	Juvenile Justice	Child Labour	Corporal Punishment	Violence	Ethnic Minorities	Trafficking	Armed Conflict
STATE REPORTS	224**	798	213	114	21	225	135	118	29
UN COMPILATION	319	385	189	172	87	281	296	132	87
NGO COMPILATION	90	243	94	41	126	88	147	28	29
FINAL RECOMMENDATIONS	125	434	222	119	111	493	148	179	138
TOTALS	758*	1860	718	446	345	1087	726	457	283

Table Explanation:

-The figures in Table 2 illustrate the total number of mentions in Sessions 1-10.

* For example: 758 refers to the total number of mentions on the issue of child health in Sessions 1 – 10.

** For example: 224 refers to the total number of mentions on the issue of child health in the National Reports.

⁴ CRIN selected nine of the most frequently addressed children's rights issues in the UPR for the purpose of this study. A more comprehensive study of all children's rights issues is required for a complete analysis.

Table 3 – Trends in children's rights recommendations

Session	Total No. of Recommendations	Total Accepted (%)	Total Rejected (%)	Total Pending (%)
1	55	65%	5%	27%
2	124	74%	2%	23%
3	164	70%	10%	20%
4	224	82%	4%	14%
5	243	85%	7%	8%
6	385	73%	6%	21%
7	304	82%	10%	8%
8	407*	64%	4%	32%
9	384	85%	8%	7%
10	331	67%	4%	29%

*One less State was reviewed during Session 8 due to Haiti's rescheduling.

Table 4: States' responses to particular recommendations

Children's rights issue	% Accepted	% Rejected	% Pending
VIOLENCE	83%	4%	14%
EDUCATION	85%	4%	11%
JUVENILE JUSTICE	56%	13%	30%
CHILD TRAFFICKING	92%	5%	3%
CHILDREN IN ARMED CONFLICT	68%	10%	22%
ETHNIC MINORITY GROUPS	67%	13%	20%
CORPORAL PUNISHMENT	50%	31%	19%
CHILD LABOUR	80%	4%	16%
HEALTH	93%	4%	3%