Mainstreaming child rights in the UN system

What will it take for NGO child rights coalitions?

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Summary
Several NGOs and child rights coalitions responded to the NGO Group for the CRC’s inquiry in May 2005 on their level of participation in reporting to treaty bodies other than the Committee on the Rights of the Child.¹ The survey was conducted to develop the NGO Group’s understanding of what its traditional partners and stakeholders for children rights – NGOs and child rights coalitions – would need in order to mainstream children’s rights into the UN treaty body system. The results indicated that mainstreaming in the manner described is not the accustomed practice of NGOs/coalitions and involvement in other treaty bodies will require a considerable outlay of resources both on their part and by the NGO Group.

The survey also revealed that references to children in the human rights conventions guarantees some attention to children’s issues in their considerations and concluding observations. Yet questions remain as to whether the level of debate and recommendations by these treaty bodies for these conventions are to the satisfaction of the child rights community.

Background
The term ‘mainstreaming’ is used in several contexts and, within human rights circles, is possibly most associated with gender. An explanation of gender mainstreaming offers a good basis for understanding mainstreaming children’s rights. According to the UN Office of the Special Adviser on Gender Issues and Advancement of Women, ‘gender mainstreaming is a globally accepted strategy for promoting gender equality. Mainstreaming is not an end in itself but a strategy, an approach, a means to achieve the goal of gender equality. Mainstreaming involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities – policy development, research, advocacy/dialogue, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects.’²

In like manner, mainstreaming children’s rights refers to a strategy aimed at promoting the interests of children as articulated in the Convention on the Rights of the Child and other human rights treaties. The ultimate goal for mainstreaming children’s rights is that State Parties to the CRC do all they can to implement the rights contained in the Convention.³ The practice of mainstreaming children’s rights will nonetheless be very dependent on the national context – with a common goal being to ensure that children enjoy their rights to the maximum extent possible.

¹ NGO Group for the CRC 2004-2006 Strategic Plan paper. ‘In recent years the NGO Group has begun to extend this role into the broader human rights system. This has followed the logic of “mainstreaming” child rights throughout the UN system so that child rights are not just a matter for the UN Committee on the Rights of the Child but also for all other treaty bodies and special mechanisms. The work of the NGO Group in this regard has included alerting NGOs to other opportunities to raise child rights concerns and developing a professional internship programme to enable individual NGO staff to become more familiar with the broader UN system. In addition, the NGO Group has increased its work with particular thematic Special Rapporteurs and other UN experts.’
² UN Office of the Special Adviser on Gender Issues and Advancement of Women website http://www.un.org/womenwatch/osagi/gendermainstreaming.htm on ‘Gender Mainstreaming.’
³ ‘States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.’ Article 4 of the Convention on the Rights of the Child.
Over the years there has been a steady growth in the number of NGOs maintaining an interest in the realization of children’s rights in their countries. The formation of child rights coalitions in more than 90 countries bears witness to this. These coalitions have risen to be in the forefront of child rights advocacy at national level. Many started tentatively by pooling their efforts in the elaboration of a comprehensive alternative report for the Committee on the Rights of the Child. These experiences of preparing the reports and participating in the wider reporting process to the Committee have empowered many coalitions and NGOs to stay the course in sustained child rights monitoring and advocacy, helping to ensure that the Convention is implemented at country level.

Having taken part in the initial and periodic reporting processes to the Committee, these NGOs/coalitions have gained solid experience and expertise of the context of human rights that would be valuable to other UN treaty bodies. The NGO Group recognizes this potential and has therefore sought to find out what it would take to enable child rights advocates to be more engaged with other treaty bodies. By participating in the reporting process of other treaty bodies NGOs/coalitions will have added opportunities to influence their governments on key issues concerning children. With this in mind, the NGO Group is actively exploring how to assist partners/stakeholders at national level to get involved.

From the perspective of many national NGOs/coalitions, mainstreaming children’s rights involves employing measures that are exclusively directed to relevant sectors at national level, raising children’s issues on national agendas and incorporating a rights-based approach in their work. Engaging with other treaty bodies, however, may well involve working in a broader context and/or taking different approaches. These are not necessarily conflicting but it does mean that these perspectives need to be kept in sight when collaborating with others engaged with other treaty bodies. Since NGO/coalitions generally have very limited resources that affect their choices in applying of mainstreaming – whether through national or international mechanisms – the NGO Group is challenged to demonstrate that reporting to other treaty bodies does effectively strengthen advocacy for children’s rights.

But first there needs to be better understanding of the treaty body mechanisms. The United Nations treaty body mechanisms was created during the 20th century for the protection of human rights. It began with the Universal Declaration of Human Rights in 1948. Since then, other human rights treaties have come into force, including:

- The Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- The Convention on the Elimination of Discrimination against Women (CEDAW);
- The International Covenant on Civil and Political Rights (ICCPR);
- The International Covenant on Economic, Social and Cultural Rights (ICESCR);
- The Convention on the Rights of the Child (CRC);
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW);
- The Optional Protocol to the CRC on the involvement of children in armed conflict (CRC-OPAC);
• The Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (CRC – OPSC);
• The Optional Protocol to the ICCPR (on individual complaints) (ICCP – OP1);
• The Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty (ICCP – OP2); and
• The Optional Protocol to the Convention against Torture (OPCAT).

The bodies appointed to oversee the implementation of these treaties are called treaty bodies. The UN defines treaty bodies as committees of experts, which monitor implementation of the provisions of the core human rights treaties by States parties. The treaty bodies that the definition refers to are the:
• The Committee against Torture (CAT);
• The Committee on the Elimination of Discrimination against Women (CEDAW);
• The Committee on the Elimination of Racial Discrimination (CERD);
• The Committee on Economic, Social and Cultural Rights (CESCR);
• The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW);
• The Committee on the Rights of the Child (CRC); and
• The Human Rights Committee (HRC).

Annex 1 outlines the direct references to children in the various treaties. With the exception of the Convention on the Elimination of Racial Discrimination, all make reference to children. These references indicate that children are regarded as specific group of the human family that need special attention.

Against this background the opportunities for addressing children’s issues on a wider human rights platform are evident. The child rights community, including the NGO Group, has a clear opportunity to mainstream children’s rights within the treaty body mechanism. To achieve this, several questions much first be answered, including:
• What are child rights coalitions’ and NGOs’ definition of the term mainstreaming children’s rights?
• To what extent do the other treaty bodies address children’s rights?
• What will it take for NGOs/coalitions to participate in the reporting processes of other treaty bodies?
• What are the operational implications of all this to the NGO Group in facilitating participation in the wider treaty body reporting?

Research method
To answer the questions above a limited inquiry was made among the NGOs/coalitions that have participated in reporting processes to the Committee on the Rights of the Child. A questionnaire was designed for this purpose to address most of the questions outlined above. A small pre-test was conducted, along with a fair measure of consultation, to refine the instrument. Responses to the questionnaire came from 14 NGOs/coalitions from Austria, Belgium, Belize, Chad, Dominica, 4

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Germany, Hong Kong (China), India, Macedonia, Northern Ireland (UK), Pakistan, Spain, Uganda and Yemen. The questionnaire was distributed by email, therefore only those contacts who had working email addresses received them. This purposive sampling approach was appropriate since the survey is focussed on this target population. There was, however, an inherent bias towards those who have working email systems and are sufficiently comfortable with working in English. The questionnaire was not translated into other languages although respondents were encouraged to answer the questions in a language of their choice. Accessibility to NGOs/coalitions was given precedence over other factors, such as geographical representation. This choice was made since the services provided by the NGO Group’s Liaison Unit Programme to NGOs/coalitions to facilitate their participation in reporting to the Committee are largely the same across all geographic regions. The only difference is that NGO representatives from industrialized countries do not receive funding assistance to attend the pre-sessional and sessional meetings of the Committee on the Rights of the Child. The responses were meant to provide an indication of what the child rights community required. See Annex 2 for the text of the questionnaire. The 14 organizations which responded are listed in Annex 3.

Discussions were held with a smaller group of NGO representatives to clarify their approach to ‘mainstreaming children’s rights’. These NGOs/coalitions had not completed the questionnaire (with the exception of Uganda’s coalition, which submitted its questionnaire some time after the meeting). The discussions were useful for ensuring a full understanding of the terminology.

The treaty bodies’ concluding observations for those countries in which the responding NGOs/coalitions operate were also examined to ascertain the frequency with which children were referred to and what was said. There was an expectation that some reference would be made to children by treaty bodies where the Covenants make specific reference to children and this is illustrated below.

**Data results and analysis**

The notion of mainstreaming was explored in discussions with several NGO representatives who attended the June 2005 pre-sessional meeting.⁵ For most, mainstreaming children’s rights meant getting children’s issues more highly placed on their countries’ national agendas. The reporting process to the Committee on the Rights of the Child was strategically important for achieving this aim. The greatest value of the reporting process is the potential it brings for politicians and government officials to engage in discussions with NGOs/coalitions on what it might take for the Convention to be more fully implemented. Medium-term changes that are outlined in the CRC concluding observations provide some direction and a basis for monitoring and advocating for change. A case study on the impact of the concluding observations⁶ revealed a significant decline of influence within a year of the governments receiving them. Hence mainstreaming for NGO/coalitions requires a whole range of interventions that bring both immediate and longer-term results. In this context, mainstreaming also implies that NGOs/coalitions advocate for

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⁵ NGO representatives attending the CRC pre-session came from Algeria, Australia, Denmark, Finland, Hong Kong (China), Russian Federation, Trinidad and Tobago, Uganda,

fundamental changes in key national institutions so that children are evidently treated as an important sector of national life. This would be evident in areas such as bringing national law into line with Convention standards, increased budgetary allocation to children services, policy reform and improved practices in key institutions such as juvenile courts.

Another definition of mainstreaming is the application of a rights-based approach to the work of NGOs/coalitions. Most NGOs are not yet familiar with child-rights-based programming. Many that work with or on behalf of children use welfare, health or developmental perspectives and this typifies the organizations that are involved in the CRC reporting process. For many, the Convention is a valuable reference that justifies the work they do but is not central to their work. Moving the Convention from being a point of reference to the centrepiece of their organizations poses several internal challenges, often involving reform of policies, programmes and practices. Equally importantly is the question of accountability to the population they serve. Rights-based programming would bring significant paradigm shifts for the organizations’ staffs, especially those working with children. Such changes also have significant implications for fundraising. Preparing an alternative report and following up on the outcome of a reporting process is quite a different matter to making the Convention the cornerstone of their work. This aspect of mainstreaming children’s rights is arguably fundamental to NGOs/coalitions that defend children’s rights, but very challenging for institutions that have historically approached children from a very different frame of reference.

Most coalitions/NGOs that attended the June 2005 CRC pre-session working group meeting had no experience of working with other treaty bodies, with the exception of the Russian Federation and Finland. The prospect of reporting to other treaty bodies is generally not considered by NGO/coalitions, partly because they are not familiar with these bodies and, like the CRC, they require a fair measure of support by an informed source, such as the NGO Group’s Liaison Unit Programme. This was borne out in the responses to the questionnaire that asked respondents to indicate if they have reported to other treaty bodies. Only two of the 14 respondents had done so. The Children’s Law Centre in Northern Ireland submitted alternative reports to CERD and CAT. The child rights coalition in Austria, Netwerk Kinderrechte (Österreich), was, at the time of data collection, working with other human rights organizations to prepare a joint alternative report to CESCR.

The awareness of NGOs/coalitions about which organizations report to other treaty bodies was fairly mixed (see Annex 3). Six of the 14 respondents provided names of other organizations that reported to other human rights committees. The questionnaire did not explore the nature of NGOs/coalitions’ relationships with these organizations, but it could be deduced that there is limited contact, at least around treaty body reporting, as they were not party to those reports. This may also account for the relatively low levels of awareness about the attention given to children’s issues in reporting to other treaty bodies (see Table 1).

There is, on the other hand, a general willingness by the majority of respondents to report to the other treaty bodies. But this willingness is conditional, as Table 1 shows, and is substantiated by answers to the question ‘What will it take to get
### Table 1. Levels of awareness of child rights issues covered in reporting to other treaty bodies

<table>
<thead>
<tr>
<th>Respondents' Countries</th>
<th>Awareness: Yes/No</th>
<th>Details</th>
<th>Future Participation Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>Yes</td>
<td>Not given much attention by NGOs. No knowledge of the concluding observations.</td>
<td>No – no decision taken as a CRC coalition.</td>
</tr>
<tr>
<td>Belgium</td>
<td>Yes</td>
<td>Aware of the child related recommendations made by the NGOs to the other treaty bodies.</td>
<td>No short or medium term plans.</td>
</tr>
<tr>
<td>Belize</td>
<td>No</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Chad</td>
<td>No</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Dominica</td>
<td>Yes</td>
<td>Through coordination with government and other NGOs.</td>
<td>Yes – if invited.</td>
</tr>
<tr>
<td>Germany</td>
<td>Yes</td>
<td>Through stakeholder organizations and networks.</td>
<td>No</td>
</tr>
<tr>
<td>Hong Kong (China)</td>
<td>Yes</td>
<td>Children’s issues get little attention since it competes with pressing political issues.</td>
<td>Yes – possibly CESCPR, CCPR.</td>
</tr>
<tr>
<td>India</td>
<td>No</td>
<td>Yes – CCPR, CERD</td>
<td></td>
</tr>
<tr>
<td>Macedonia</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Northern Ireland (UK)</td>
<td>Yes</td>
<td>Observed recently an increase in the inclusion of children’s issues in other treaty body reporting. However not sufficient results from the Committees.</td>
<td>Yes – for mainstreaming children’s rights at national level.</td>
</tr>
<tr>
<td>Pakistan</td>
<td>No</td>
<td>Yes – but resources are needed.</td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>No</td>
<td>No – Not in short or medium terms</td>
<td></td>
</tr>
<tr>
<td>Uganda</td>
<td>No</td>
<td>Yes – for information sharing purposes.</td>
<td></td>
</tr>
<tr>
<td>Yemen</td>
<td>No</td>
<td>Yes – if resources are available for this purpose.</td>
<td></td>
</tr>
</tbody>
</table>

NGO/coalitions currently involved in the CRC reporting process to participate in reporting to other treaty bodies? These responses were as follows:

1. The decision to make reporting to the other treaty bodies a part of NGO/coalition mandate: the networks regarded the Convention as the only treaty that they wish to support. Getting involved with other conventions would require fundamental changes to the network’s statutes and activities. In Germany, for example, the current funding conditions of their primary donor limit them from reporting to other treaty bodies. (Austria, Belgium, Germany)

2. NGO/coalitions said that they needed additional resources to effectively participate in the reporting process of other treaty bodies. Resources such as:
   a. Easy access to the other treaty bodies, e.g. reporting guidelines, dates of submission, invitation to pre-session, examples of best practice. (Austria, Hong Kong)
   b. Information on how to use the complaints mechanisms. (Austria)
   c. More staff with expertise (Belgium, Germany, Pakistan, Spain)
   d. Finances. (Dominica, Germany, Hong Kong, India, N. Ireland, Pakistan, Spain, Uganda, Yemen)
Mainstreaming Child Rights Survey

3. Most recognize that there are organizations reporting to the other treaty bodies, and a few were able to recognize them. (See Annex 3.) However, many thought that they needed more information on who were reporting and the nature of those alternative reports.

Despite the perceived large resource outlay that would be required, the respondents generally saw that the advantages of reporting to other treaty bodies outweighed the disadvantages. (See Table 2.)

Table 2. Perceived advantages and disadvantages of reporting to other treaty bodies

<table>
<thead>
<tr>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
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<tbody>
<tr>
<td>More effective lobbying and visibility for children’s rights.</td>
<td>A lot more work for a small coalition.</td>
</tr>
<tr>
<td>Learn more about other issues and child-relevant decisions.</td>
<td>Network’s mandate does not allow for significant involvement in other treaty bodies. With our government funding, there is a certain understanding on the range of human rights activities to be conducted.</td>
</tr>
<tr>
<td>More reach into government ministries, parliament and administrations.</td>
<td>With our limited resources, the CRC would always be treated as top priority.</td>
</tr>
<tr>
<td>Child rights arguments would bring new perspectives to the human rights debate at country level.</td>
<td>Lack of coordination among various human rights interest groups could make access to relevant authorities more difficult.</td>
</tr>
<tr>
<td>Improve the coalition’s image and position.</td>
<td>Lack of human resources to work on other treaties.</td>
</tr>
<tr>
<td>Increased visibility for children’s issues.</td>
<td>Risks with government by involvement in other treaties to which there is strong resistance.</td>
</tr>
<tr>
<td>Attract new stakeholders to the child rights networks.</td>
<td></td>
</tr>
<tr>
<td>Provide the network with a broader mandate.</td>
<td></td>
</tr>
<tr>
<td>Enable the network to access more information and identify cross-cutting issues.</td>
<td></td>
</tr>
<tr>
<td>Strengthen the NGOs mission, mandate and advocacy.</td>
<td></td>
</tr>
<tr>
<td>Mission, programme priorities, and external influence for broad-based child rights NGOs/networks would be further legitimized and strengthened through mainstreaming.</td>
<td></td>
</tr>
<tr>
<td>Enable new leadership among network members who are working on the other human rights treaties.</td>
<td></td>
</tr>
<tr>
<td>Networks for children’s rights are predisposed to working with other treaty bodies for children’s rights.</td>
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</table>
Treaty body recommendations
In the review of the conventions and the respective concluding observations for the countries where responding NGOs/coalitions operate, it was clearly evident that the human rights of children were consistently addressed by the other treaty bodies. Several references have been made to children in the concluding observations of the treaty bodies. This is consistent with the direct reference to children in some articles of most treaties. Therefore a range of children’s issues were covered, details as outlined in Annex 1. This is not surprising since the Convention on the Rights of the Child was developed on the basis of pre-existing human rights conventions. Nonetheless, the treaty bodies have not passed over their responsibilities to the Committee on the Rights of the Child. Rather, they consider the human rights of children from the context of their Conventions. The pattern seen in Table 3 clearly illustrates the degree of priority given to children by the treaty bodies. Instances where references are made to children are highlighted.

Annex 4 summarises the specific references in each treaty body’s recommendations to the countries responding to the survey. These recommendations are made in direct relation to the articles referring to children in the relevant conventions. This commendable pattern, however, does beg the question as to whether NGO/coalitions in child rights advocacy are pleased with those recommendations. Are the recommendations, for example, sufficiently prescriptive and strong to make them useful for monitoring and advocacy at national level? And to what extent do the other treaty bodies’ recommendations concur with the CRC recommendations? These questions go beyond the scope of this research but are worth exploring.

Table 3. Treaty body recommendations – year and reference to children

<table>
<thead>
<tr>
<th>Countries</th>
<th>CCPR</th>
<th>CESCR</th>
<th>CAT</th>
<th>CERD</th>
<th>CEDAW</th>
<th>CMW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>1998/no</td>
<td></td>
<td>1999/children</td>
<td>1999 &amp; 20023/no</td>
<td></td>
<td>Not ratified</td>
</tr>
<tr>
<td></td>
<td>reference</td>
<td></td>
<td>references</td>
<td>references</td>
<td></td>
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<td></td>
<td>references</td>
<td>references</td>
<td>references</td>
<td>references</td>
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<tr>
<td>Belize</td>
<td></td>
<td></td>
<td>1999/</td>
<td></td>
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<td></td>
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<td></td>
<td>references</td>
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<tr>
<td>Chad</td>
<td></td>
<td>1993/</td>
<td></td>
<td></td>
<td></td>
<td>Not ratified</td>
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<tr>
<td></td>
<td></td>
<td>reference</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Dominica</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Not ratified</td>
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<td></td>
<td>references</td>
<td>references</td>
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<td>references</td>
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<tr>
<td>Hong Kong</td>
<td>2001/2005</td>
<td></td>
<td>2001/no</td>
<td>1999/</td>
<td></td>
<td>Not ratified</td>
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<td>references</td>
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<tr>
<td>India</td>
<td>1997/</td>
<td></td>
<td></td>
<td>2000/</td>
<td></td>
<td>Not ratified</td>
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<td></td>
<td>references</td>
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<td>Macedonia</td>
<td>1998/</td>
<td>1999/</td>
<td>1997/</td>
<td></td>
<td></td>
<td>Not ratified</td>
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<tr>
<td>Pakistan</td>
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<td></td>
<td></td>
<td>1997/no</td>
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<td>Not ratified</td>
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</table>
Table 3 also shows the level of State reporting to the treaty bodies. With the exception of Yemen there is generally a higher degree of reporting by industrialized countries. It is also worth noting the timing of the reports: again with the exception of Yemen, industrialized countries are on the whole more up to date with reporting to treaty bodies.

**Conclusion**

To date, NGO and child rights coalitions that report to the Committee on the Rights of the Child have not, for the most part, made purposeful ventures into the reporting processes of other treaty bodies. This is in part due to them being relatively uninformed and under-resourced. If the NGO Group is to play a significant role in encouraging the child rights community in this direction there must be a purposeful strategy and additional resources.

The research also illustrates that mainstreaming means different things in different contexts. NGOs/coalitions regard mainstreaming as a strategy for raising children’s issues on the national agenda and creating a different ethos among and within NGOs. To achieve mainstreaming, the NGO Group must take on board these and other perspectives of our partners and channel them in ways that serve both interests.

Most human rights treaties make direct references to children, consequently the concluding observations of most refer to children. However the question remains as to whether the level of debate and recommendations are sufficiently developed and far-reaching for children.
Annex 1. References to children in other treaties

References to children in the other Covenants are as follows:

**International Covenant on Civil and Political Rights**

Article 10 (b)
All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

b) Accused **juvenile persons** shall be separated from adults and brought as speedily as possible for adjudication. 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. **Juvenile offenders** shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 14
1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of **juvenile persons** otherwise requires or the proceedings concern matrimonial disputes or the guardianship of **children**.

Article 23
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any **children**.

Article 24
1. **Every child** shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. **Every child** shall be registered immediately after birth and shall have a name.

3. **Every child** has the right to acquire a nationality.

**International Covenant on Economic, Social and Cultural Rights**

Article 10
The States Parties to the present Covenant recognize that:
1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of **dependent children**. Marriage must be entered into with the free consent of the intending spouses.

3. Special measures of protection and assistance should be taken on behalf of all **children and young persons** without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of **child labour** should be prohibited and punishable by law.

Article 12
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

Article 13
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
   (a) Primary education shall be compulsory and available free to all;
   (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

International Convention on the Elimination of All Forms of Racial Discrimination

Article 7
States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention. (An indirect reference to children.)

Convention on the Elimination of All Forms of Discrimination Against Women

Article 5
States Parties shall take all appropriate measures:
   (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 10
(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
   f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

Article 16
1. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment No direct reference to children.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
**Article 12**
4. States Parties to the present Convention undertake to have respect for the liberty of parents, at least one of whom is a migrant worker, and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

**Article 17**
2. Accused migrant workers and members of their families shall, save in exceptional circumstances, be separated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

4. During any period of imprisonment in pursuance of a sentence imposed by a court of law, the essential aim of the treatment of a migrant worker or a member of his or her family shall be his or her reformation and social rehabilitation. Juvenile offenders shall be separated from adults and be accorded treatment appropriate to their age and legal status.

**Article 18**
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

**Article 29**
Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality.

**Article 30**
Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child’s stay in the State of employment.

**Article 44**
2. States Parties shall take measures that they deem appropriate and that fall within their competence to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent unmarried children.

**Article 45**
2. States of employment shall pursue a policy, where appropriate in collaboration with the States of origin, aimed at facilitating the integration of children of migrant workers in the local school system, particularly in respect of teaching them the local language.

3. States of employment shall endeavour to facilitate for the children of migrant workers the teaching of their mother tongue and culture and, in this regard, States of origin shall collaborate whenever appropriate.

4. States of employment may provide special schemes of education in the mother tongue of children of migrant workers, if necessary in collaboration with the States of origin.
Annex 2. The questionnaire

NGO Group for the Convention on the Rights of the Child
Grupo de las ONGs para la Convención sobre los derechos del niño
Groupe des ONG pour la Convention relative aux droits de l’Enfant

Child Rights Mainstreaming Survey

Questionnaire – On the use of the UN Human Rights Treaty Body mechanism

Dear Child Rights Colleagues,

Your cooperation with this survey conducted by the NGO Group for the CRC is most appreciated. The survey seeks to get an insight on the perception and involvement of NGOs/national child rights coalitions in the reporting process of other treaty bodies within the United Nations human rights treaty body mechanism. As always, the results of this survey would be widely circulated among NGOs in the global child rights community. It will also assist the NGO Group in finding new ways for mainstreaming children’s rights both within the UN and beyond. Should you provide any information that you would like to be kept anonymous, please indicate.

Name of NGO/Coalition…………………………………………………………………………………
Contact details (address, telephone, fax and email)
………………………………………………………………………………………………………………

1. Please indicate with a ‘yes’ or ‘no’, which of the following treaty bodies your organization/coalition submitted reports to or participated in any other way:


Human Rights Committee

Committee on Economic, Social and Cultural Rights

Committee on the Elimination of Racial Discrimination

Committee on the Elimination of Discrimination against Women

Committee Against Torture

Committee on the Rights of the Child

Committee on the Protection of the Rights of All Migrant Workers and Members of their
Families

2. If yes, to any of the above please provide further details, such as year(s) of submission and participation, partner organizations national or international, other external facilitation

3. Are you aware of which organizations in your country report to the treaty bodies mentioned below:

<table>
<thead>
<tr>
<th>Treaty Body Name</th>
<th>National Organization/Networks</th>
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<tr>
<td>Human Rights Committee</td>
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<td>Committee on Economic, Social and Cultural Rights</td>
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<tr>
<td>Committee on the Protection of the Rights of All Migrant Workers and Members of their Families</td>
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</table>

4. Are you aware of how much attention are given to children's rights issues in reporting to the other treaty bodies? Please explain

5. Does your organization/network have future plans for using the other UN treaty bodies? Please explain

6. In addition to the comments above what other resources and support would be needed in enable your organizations/network to submit reports and attend the pre-sessional meetings of the other treaty bodies?

7. What are the plus and minus factors that could affect your network's/organization's work with other treaty bodies, please explain:

   Mission ...........................................................................................................
Mandate…………………………………………………………………………………….

Policy……………………………………………………………………………………

Programme priorities………………………………………………………………

Other internal influences…………………………………………………………….

External Influences………………………………………………………………….

Thanks once more for your kind cooperation. Return by email to NGO Group for the CRC, LUP – *Mainstreaming Child Rights Survey* to dallen@tiscalinet.ch or by fax to 0041 22 740 1145.

*Return by May 31, 2005.*

NGO Group for the CRC
Liaison Unit Programme
April 2005.
Annex 3. Contributors to the survey

1. The national coalitions of Austria – Netwerk Kinderrechte (Österreich).
2. The national coalitions of Belgium – CODE and Kinderrechtenc coalitie Vlaanderen.
6. National Coalitions for the implementation of the UN Convention on the Rights of the Child in Germany.
7. Hong Kong Committee on Children’s Rights – China.
8. Centre for Organization Research and Education – India.
10. Children’s Law Centre & Save the Children in Northern Ireland.
### Annex 4. Other NGOs that submit alternative reports to UN treaty bodies known to CRC NGO/coalitions

#### National Organizations’ Participation in UN Treaty Body Reporting

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Annex 5. Treaty bodies’ references to children

What do the other treaty bodies say about children in their concluding observations?

AUSTRIA
228. The Committee is also concerned about the situation of trafficked women. The Committee requests the Government to take responsibility in caring for the human rights of all trafficked women and girls
229. The Committee expresses its concern at women seeking asylum in Austria, and in particular about human rights violations by State officials. The Committee recommends that the Government adopt policies that acknowledge gender-specific grounds for women seeking asylum in Austria, including gender violence and persecution and female genital mutilation.
231. The Committee expresses concern at the high percentage of the female population in Austria, which has no education beyond the compulsory level. It is also concerned with the continuing gender role stereotyping in the area of education and vocational training for girls and boys.
232. The Committee urges the Government to take measures to encourage girls to continue their education beyond compulsory level and particularly in the areas of science and technology.

Concluding Observations of the Human Rights Committee: Austria. 19/11/98.
13. The Committee considers that existing legislation on the minimum age of consent for sexual relations in respect of male homosexuals is discriminatory on grounds of sex and sexual orientation. It requests that the law be revised to remove such discriminatory provisions.

BELGIUM
Conclusions and Recommendations of the Committee against Torture: Belgium. 27/05/2003.
(f) The possibility of extending the detention of foreigners for as long as they do not cooperate in their repatriation, the possibility of placing unaccompanied minors in detention for lengthy periods, and information that asylum-seekers who have been formally released have been transferred to the transit area of the national airport, without assistance and without being allowed to leave;
(l) The possibility of ordering the isolation of juvenile delinquents aged 12 years and over, for up to 17 days;
(e) Set a time limit for the detention of foreigners against whom an expulsion order is issued, draft specific legislation on unaccompanied minors that takes account of the best interests of the child, and monitor asylum-seekers who have been released;
(k) Ensure that the isolation of juvenile delinquents is imposed only in entirely exceptional cases, and for a limited period;

Concluding Observations of the Committee on the Elimination of Racial Discrimination: Belgium. 21/05/2002.
3. The Committee welcomes recent developments that have taken place in the State party in the field of human rights. It notes, in particular the enactment of new laws and the ratification of a number of international treaties, such as the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Rome Statute of the International Criminal Court.
10. With regard to article 5 of the Convention, the Committee takes note of measures in Flanders forbidding discrimination, including on racial or ethnic grounds, in collective labour agreements, and of measures facilitating the education of migrant children. The Committee also takes note of measures in the Walloon region for the education of children of illegal migrants and for the study by
migrant children of their mother tongue on the basis of bilateral agreements with their country of origin.

16. Concern was also expressed about several cases of racist incidents in police stations involving law enforcement officials, where the victims were immigrants and asylum-seekers. The Committee is also concerned about reports that children belonging to ethnic minority groups have experienced verbal violence. The Committee recommends that the State party take all necessary measures to prosecute racially motivated acts of violence by law enforcement officials and to prevent such verbal offences against members of minority groups, and continue its efforts to promote intercultural tolerance, understanding and respect.


4. The Committee welcomes the entry into force on 1 May 2004 of the Act establishing a guardianship mechanism for unaccompanied foreign minors, and the assurance that such minors will no longer be held in closed facilities even if they are refused entry into the country.

28. The Committee takes note of the new Act designed to boost the protection of children against the various forms of sexual exploitation, but is concerned at the frequency with which cases of sexual violence involving children occur (art. 24).

The State party should take all necessary steps to protect children in all areas in order to put an end to the cases of sexual violence of which they are victims.

BELIZE

Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Belize. 01/07/99

33. The country's fertility rate was 4.6 births per woman, making it one of the highest in the region, with approximately 19 per cent of children born to teenage mothers.

37. Education in Belize was mandatory at the primary level for children between the ages of 5 and 14. While children under 14 showed a higher male enrolment rate (70.1 per cent) than female (67.2 per cent), the female transition rate from primary to secondary school was, in general, higher (90 per cent) than for male students (79.8 per cent). This pattern was reversed in rural areas, and regional differences were noted. More female students enrolled in tertiary education, with 65 per cent of the students at the University College of Belize being women. It was noted that pregnancy was a major cause of girls discontinuing their education. With individual schools under the Church-State system of education free to expel girls from school because of pregnancy, the Government recognized the need to develop a national policy on teenage pregnancy.

39. The representative noted that teenage pregnancy was high, with 23 per cent of births having been to women under 19 years of age.


47. The Committee congratulates the Government on the high level of educational achievement by girls and women, as reflected in the female transition rate from primary to secondary school, and in the high enrolment rate of women (65 per cent) at the University College of Belize.

52. The Committee is seriously concerned about the consequences of the Church-State system of education on girls' and young women's right to education. In this regard, the Committee is concerned that schools are free to expel girls from school because of pregnancy, and that only a few secondary schools allow girls to continue their education after pregnancy. The Committee notes that this violates not only the Convention but also the Constitution of Belize.

53. The Committee urges the Government to place the highest priority on eliminating discrimination against women and girls in education because of pregnancy, through both legislative provisions and adequate policy measures. It calls on the Government to strengthen the role of the National Council of Education in protecting girls' and teachers' rights in education. It urges the Government to formulate needed policy and legislative measures to ensure de facto adherence to articles 10, 11 and 12 of the Convention.
56. The Committee is concerned at the high incidence of teenage pregnancy, with 23 per cent of births in 1998 being to women under 19 years of age, which, in combination with the prevention of teenage mothers from pursuing their education, is predestined to reduce women's economic opportunities and thus increase their level of poverty. The fact that 60 per cent of births to young women are unplanned is indicative of the lack of adequate family planning information and contraceptive use.

57. The Committee urges the Government to revise its abortion laws, in particular since according to the information, existing legislation penalizing abortion is not strictly enforced. It also urges the Government to include age-appropriate sex education in school curricula and to conduct awareness campaigns so as to reduce teenage pregnancy rates and to increase girls' and women's life choices.

CHAD
Review of the implementation of CERD: Chad. 15/09/93.
163. The representative of the State party explained that during the previous dictatorial regime of President Hissène Habré, there had been many discriminatory policies in favour of the Goranes, the tribe of the President. During the years of dictatorship, 1982 to 1990, more than 40,000 persons had been killed, more than 80,000 children orphaned.

DOMINICA

GERMANY
Conclusions and Recommendations of the Committee against Torture: Germany. 11/06/2004.
3. The Committee welcomes
(h) The State party's initiative to establish the mandate of a Special Rapporteur of the United Nations Commission on Human Rights on trafficking in persons, especially in women and children.

Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Germany. 02/02/2000.
318. Noting the Government's intention to commission a study on the living situation and social integration of foreign women and girls, the Committee requests the Government to undertake a comprehensive assessment of the situation of foreign women, including their access to education and training, work and work-related benefits, health care and social protection, and to provide such information in its next report.

321. The Committee is concerned at the incidence of trafficking in women and girls.

Concluding Observations of the Committee on the Elimination of Racial Discrimination: Germany. 27/04/2001.
6. The Committee also welcomes the establishment of three new special programmes aimed at combating racism and xenophobia among young people: "Xenos-living and working in diversity", "Measures against violence and right-wing extremism" and "Promotion of model projects against right-wing violence in the new Länder".

Concluding Observations of the Committee on Economic, Social and Cultural Rights: Germany. 04/12/98.
21. The Committee is alarmed at the continued abuse of children and their sexual exploitation. Widespread pornography is of particular concern as it seems to be linked with the exploitation of children and women.

29. The Committee urges the State Party to implement the various educational programmes for young people and other vulnerable groups, especially those intended to create employment and to improve the level of employment in East Germany.
34. The Committee further calls on the State Party to make increased efforts to prevent child abuse, child exploitation and child pornography.

**Concluding Observations of the Human Rights Committee: Germany. 04/05/2004.**

4. The Committee appreciates the measures taken to improve the protection of children, in particular legislation granting children a right to education in a non-violent environment, the removal of remaining differences in the legal status of children born in and out of wedlock, and the introduction of elements of *jus soli* for children born in Germany to foreign parents.

5. The Committee welcomes the progress made in the area of human rights education, in particular for police officers, soldiers and youth.

**CHINA (Hong Kong)**

**Concluding Observations of the Committee on the Elimination of Discrimination Against Women: China. 03/02/99.**

264. Women's health remained a government priority, and a range of health-care services was available to women, including with regard to reproductive health. Hong Kong's infant mortality rate was among the lowest in the world, and women's life expectancy was 82.2 years.

312. The Committee welcomes the recent judicial decision which has enforced the right to non-discrimination by recognizing that a non-marital child can claim residence in the Hong Kong Special Administrative Region on the basis of the residence rights of either her mother or father.

**Concluding Observations of the Committee on Economic, Social and Cultural Rights People’s Republic of China (including Hong Kong and Macao). 13.3.2005**

85. The Committee expresses concern about reports of the high incidence of trafficking in persons, especially women and children into HKSAR, mainly for the purpose of sexual exploitation. The Committee regrets that it did not receive sufficient information regarding this problem and the measures taken in this respect by HKSAR.

89. The Committee is concerned that insufficient measures have been taken to facilitate enrolment in local schools of children of migrants from the Mainland and other foreign migrant workers who do not have the legal right to remain in HKSAR.

101. The Committee urges HKSAR to amend its legislation to provide for the right to education of all school-aged children in its jurisdiction, including children of migrants without the legal right to remain in HKSAR.

102. The Committee encourages HKSAR to ensure that human rights education is provided in schools at all levels and to raise awareness about human rights, in particular, economic, social and cultural rights among state officials and the judiciary.

**Concluding Observations of the Committee on Economic, Social and Cultural Rights (Hong Kong): China. 21/05/2001.**

D. Principal subjects of concern

(g) The lack of a comprehensive policy for the protection of children from all forms of abuse.

23. The Committee expresses its concern about the reported increase in the incidence of child abuse and suicide among the youth.

24. The Committee is concerned that the age of criminal responsibility is set at the young age of seven years.

42. The Committee calls upon HKSAR to adopt urgent measures to address the problems leading to youth suicide and all forms of child abuse.

43. The Committee calls upon HKSAR to amend its laws to raise the age of criminal responsibility so as to ensure the rights of the child under article 10 of the Covenant.
INDIA

Concluding Observations of the Committee on the Elimination of Discrimination Against Women: India. 01/02/2000.

35. The representative described steps that had been taken to revise curricula and textbooks from a gender perspective, and the efforts of the Ministry of Information and Broadcasting to ensure projection of positive images of women in the media. Measures to address prostitution and trafficking in women had included a proposal to amend the Immoral Traffic (Prevention) Act to widen its scope and increase penalties; the appointment of special police officers; and the establishment of protective homes and child development and child-care centres for the children of sex workers. A plan of action to combat trafficking and commercial sexual exploitation of women and children and to integrate victims into society had been developed, and India had actively participated in the drafting of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

62. The Committee is concerned that India has not yet established a comprehensive and compulsory system of registration of births and marriages. The Committee notes that inability to prove those important events by documentation prevents effective implementation of laws that protect girls from sexual exploitation and trafficking, child labour and forced or early marriage. The Committee is also concerned that failure to register marriages may also prejudice the inheritance rights of women.

63. The Committee calls upon the Government to provide adequate resources and establish a system of compulsory registration of births and monitor implementation in cooperation with women's groups and local bodies. It urges the Government to withdraw the declaration to article 16 (2) of the Convention.

64. The Committee is concerned that the fundamental right to education under the Constitution recognized by the Supreme Court has not been realized by providing girls with access to primary and secondary education. It notes that budgetary allocation for education is still far below India's commitment with regard to the Beijing Platform for Action.

65. The Committee urges the Government to take affirmative action, set a time-frame and provide adequate resources for primary and secondary education so as to give girls equal access to education and eradicate adult illiteracy among women. It calls upon the Government to make primary and secondary education compulsory by introducing and enforcing relevant regulations.

Concluding Observations of the Human Rights Committee: India. 04/08/97.

5. It notes, moreover, that the size of the country, its huge population, the massive poverty and the great disparities in the distribution of wealth among various social groups affect the advancement of rights. The persistence of traditional practices and customs, leading to women and girls being deprived of their rights, their human dignity and their lives, and to discrimination against members of the underprivileged classes and castes and other minorities, and ethnic, cultural and religious tensions constitute impediments to the implementation of the Covenant.

16. While acknowledging measures taken to outlaw child marriages (Child Marriages Restraint Act), the practice of dowry and dowry related violence (Dowry Prohibition Act and the Penal Code) and sati – self-immolation of widows – (Commission of Sati (Prevention) Act), the Committee remains gravely concerned that legislative measures are not sufficient and that measures designed to change the attitudes which allow such practices should be taken. The Committee is also concerned that giving male children preferred treatment persists, and deplores that practices such as foeticide and infanticide of females continue.

31. The Committee deplores the high incidence of child prostitution and trafficking of women and girls into forced prostitution, and it regrets the lack of effective measures to prevent such practices and to protect and rehabilitate the victims. The Committee also regrets that women who have been forced into prostitution are criminalized by the Immoral Trafficking Prevention Act and, further, that article 20 of the Act puts the burden of proof on a woman to prove that she is not a prostitute, which is incompatible with the presumption of innocence. Therefore: the Committee recommends that the application of this law to women in the situation described be repealed and that measures be taken to protect and rehabilitate women and children whose rights have been violated in this way.
33. The Committee expresses its concern at the plight of street children and at the reported high level of violence against children within society. It is particularly concerned at reports of child mutilation. Therefore: the Committee recommends that urgent measures be taken to address the problem of violence against children and that specific mechanisms be set up for the protection of children.

34. The Committee expresses concern that, despite actions taken by the State party, there has been little progress in implementing the Child Labour (Prohibition and Regulation) Act of 1986. In this respect:

   the Committee recommends that urgent steps be taken to remove all children from hazardous occupations, that immediate steps be taken to implement the recommendation of the National Human Rights Commission that the constitutional requirement that it should be a fundamental right for all children under 14 to have free and compulsory education be respected, and that efforts be strengthened to eliminate child labour in both the industrial and rural sectors. The Committee also recommends that consideration be given to establishing an independent mechanism with effective national powers to monitor and enforce the implementation of laws for the eradication of child labour and bonded labour.

MACEDONIA

Concluding Observations of the Committee against Torture: The Former Yugoslav Republic of Macedonia. 05/05/99.
(f) The commitment of the former Yugoslav Republic of Macedonia to respect the principles and the norms contained in the Convention by including extensive training of police and medical personnel in its system of education and re-education. Of particular note is the country's incorporation of the norms reinforcing the prohibition of torture into its primary and secondary school curricula.

Concluding Observations of the Committee on the Elimination of Racial Discrimination: The Former Yugoslav Republic of Macedonia. 15/10/97.
10. Concern is expressed at the low levels of participation, in particular in secondary and higher education, of certain minorities, notably of Roma children and Albanian girl children in rural areas.

16. The Committee suggests that the State party consider incorporating the Convention into its human rights programmes in school curricula with a view to promoting the prevention of racial discrimination.

Concluding Observations of the Human Rights Committee: The Former Yugoslav Republic of Macedonia. 18/08/98.
16. The Committee notes the increase since 1990 in minority participation in political, administrative, cultural and other institutions, but expresses its concern at the fact that it is still well below a level commensurate with their proportion of the population. The Committee encourages the State party to strengthen its programmes to increase the representation of the Albanian and other ethnic minorities in public life, including the civil service, army and police. The Roma population are a matter of particular concern. The Committee further recommends that the State party continue to encourage minority participation in the design, organization and functioning of the educational system, in particular at the secondary and higher educational levels, and provide for the training of teachers of minority languages in public establishments.

PAKISTAN


SPAIN

Concluding Observations of the Human Rights Committee: Spain. 03/04/96.
5. The Committee welcomes the fact that efforts have been made to disseminate human rights in schools as well as information on the report to the general public.

Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Spain. 01/07/99.
240. The representative informed the Committee of the progress that had been made in the field of education, in which women had made significant strides. For example, in only seven years, the number of women who had submitted doctoral theses had risen by 202 per cent. Gender-based inequalities in vocational training and higher education had been reduced considerably, even though some gender-based differences remained in the choice of fields of study. A review of teaching materials and curricula had been begun in collaboration with the universities and a start had also been made on the mainstreaming of gender in training courses. The Ministry of Education and the Spanish Confederation of Associations of Parents of Students jointly promoted non-sexist teaching, sex education and shared family responsibilities. A commission had undertaken a critical review of the dictionary of the Spanish Royal Academy and had published various proposals for inclusion in a new edition of the dictionary.

265. The Committee is concerned at the significant increase in abortions among adolescents aged 15 to 19 years old.

266. The Committee recommends that abortions among adolescents be addressed by a multiplicity of means, including age-appropriate sex education in primary and secondary schools.

268. The Committee recommends that awareness-raising campaigns be undertaken concerning the preventable health hazards stemming from tobacco consumption, and that the need be assessed for additional regulatory and education measures to prevent and reduce smoking by women, especially among adolescents and young women.


6. The Committee notes with concern that remarkably few cases before national courts have been identified as incidents of racial discrimination, despite a recognized general increase in juvenile violence, including attacks on foreigners by extremist groups, neo-Nazi movements and gangs. It also notes that violence against certain foreigners often results in judicial proceedings alleging assault, unlawful detention and property damage, and that the racial aspect of such acts is not taken into consideration. With reference to article 4 of the Convention, the Committee recommends that the State party register, for inclusion in the next periodic report, statistics of allegations of racially-motivated and related offences, their investigation and the punishment of those responsible.

10. While noting the positive measures taken by the State party to ensure that the Roma are not discriminated against, the Committee expresses concern over the high drop-out rates and registered absences of Roma children in primary schools, as well as the low number of Roma completing higher education. The State party is requested to provide information about measures undertaken and planned to ensure equal education opportunities for the Roma minority.


18. The Committee notes with concern reported incidences where unaccompanied minors arriving in the State party have not been afforded adequate assistance and protection.

22. The Committee is concerned about the high abortion rate among adolescent women between 15 and 19 (13.89 per cent in 2001).

23. The Committee is concerned about the high rate of drug and alcohol abuse and tobacco smoking, particularly among young persons, in the State party.

36. While noting the explanation of the State party's delegation that the problem of unaccompanied minors has been solved by a memorandum between the State party and Morocco, the Committee requests the State party to provide more information on this matter in its next periodic report.

40. The Committee recommends that the State party monitor closely the incidence of abortions among adolescent women and adopt necessary measures, legislative or otherwise, to address this problem, including by intensifying specific programmes on sexual and reproductive health among adolescent women, and provide information on this subject of concern in its next periodic report.
41. The Committee recommends that the State party ensure the effective implementation of programmes to prevent drug consumption, tobacco smoking and alcoholism, and to report back to the Committee on this issue in its next periodic report.

UGANDA
Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Uganda. 31/05/95.
340. The Committee recommends that measures be taken to raise the awareness of teachers and citizens in order to halt sexual abuse against children. The Committee recommends further that campaigns be initiated to prevent children from forming a family too early.

342. The Committee suggests that pre-school facilities be made accessible and affordable, particularly for low means families.

343. The Committee suggests further that programmes be instituted that allow for continued education for school drop-outs and that family life education be part of the school curriculum.

6. The Committee notes the considerable investment made by the Government in the area of education and welcomes the information provided by the delegation regarding the extension of the Universal Primary Education programme to all children of school-going age.

16. While noting the efforts made by the State party to resume the dialogue with rebels of the Lord's Resistance Army in the north of the country, the Committee remains concerned about reports of grave acts of violence against tribes in the Gulu and Kitgum districts committed in the course of internal strife. The Committee invites the State party to continue its efforts to restore peace in the region and to protect vulnerable groups from human rights violations, notably tribal groups and children.

Concluding Observations of the Human Rights Committee: Uganda. 04/05/2004
10. The Committee takes note that the State party has acknowledged the persistence of female genital mutilation in some areas of the country, despite article 33, paragraph 6, of the Constitution which prohibits cultures, customs and traditions which are against the dignity, welfare or interest of women. The Committee regrets that the State party has not taken all the necessary measures to eradicate this practice (arts. 3, 7 and 26). The State party should take appropriate measures, as a matter of priority, to outlaw and penalize female genital mutilation and to effectively eradicate it in practice.

15. The Committee is concerned about the magnitude of the problem of abduction of children, in particular in northern Uganda. While acknowledging the measures taken by the State party to mitigate it, the Committee is concerned that available data do not show a decrease in the number of abductions. It is also concerned about the fate of former child soldiers (arts. 6, 8 and 24). The State party should take the necessary steps, as a matter of extreme urgency and in a comprehensive manner, to face the abduction of children, and to reintegrate former child soldiers into society.

18. The State party has acknowledged the deplorable prison conditions in Uganda. The most common problems are overcrowding, scarcity of food, poor sanitary conditions and inadequate material, human and financial resources. The treatment of prisoners continues to be a matter of concern to the Committee. There are reported incidents of corporal punishment for disciplinary offences. Solitary confinement and deprivation of food are also used as disciplinary measures. Juveniles and women are often not kept separate from adults and males.

20. The Committee has observed with concern the forced employment of children in activities harmful to their health and well-being, as well as the ineffectiveness of the measures adopted to deal with this problem (arts. 8 and 24). The State party should adopt measures to avoid the exploitation of child labour and to ensure that children enjoy special protection, in accordance with
article 24 of the Covenant. It should also provide for effective sanctions against those involved in such practices.

23. The Committee is concerned at the practice of early and forced marriage in the State party, despite the minimum age for marriage of 18 years (art. 23). The State party should take effective steps to do away with this practice and to sanction those involved in its occurrence.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
310. The Committee recommends that teenage conception and pregnancy be addressed by a multiplicity of measures, including a greater focus on male responsibility and a review of the primary school curriculum with a view to introducing age-appropriate sex education. It also recommends the allocation of resources for prevention and treatment programmes for sexually transmitted diseases directed at adolescents within a holistic approach to sexual and reproductive health, including sexual violence. The Committee also recommends that the Government initiate a process of public consultation in Northern Ireland on reform of the abortion law.

312. The Committee is concerned at several aspects of the criminal justice system in relation to women. It notes the high number of women in prison, particularly those from ethnic minorities. Many women have been imprisoned for drug-related offences or because of the criminalization of minor infringements, which in some instances seem indicative of women's poverty. It also notes that in the United Kingdom, and particularly in Northern Ireland, young female offenders are held in adult prisons, there are inadequate educational and rehabilitative programmes for women prisoners and they are often held in prisons situated far from their families. It also notes that the defence of provocation is not widely available to women victims of violence who are charged with murder and that there is a low level of convictions for rape and sexual violence.

23. The Committee expresses concern about the discrimination faced by Roma/Gypsies/Travellers that is reflected, inter alia, in their higher child mortality rate, exclusion from schools, shorter life expectancy, poor housing conditions, lack of available camping sites, high unemployment rate and limited access to health services. The Committee draws the attention of the State party to its general recommendation XXVII on discrimination against Roma and recommends that the State party develop further appropriate modalities of communication and dialogue between Roma/Gypsy/Traveller communities and central authorities. It also recommends that the State party adopt national strategies and programmes with a view to improving the situation of the Roma/Gypsies/Travellers against discrimination by State bodies, persons or organizations.

13. The Committee is concerned about the condition of many children in the care of the Government, directly or indirectly, in spite of extensive legislative provisions on this subject. The report of Sir William Utting, "People Like Us", indicates a significant reduction in the number of children's homes with increased resort to placement in foster homes. The result of this change is reported to be an increasing incidence of child abuse in foster homes.

16. The Committee is alarmed by the fact that corporal punishment continues to be practised in schools which are privately financed, and at the statement by the delegation that the Government does not intend to eliminate this practice.

18. The Committee expresses its concern that the educational structure in Northern Ireland is heavily segregated with most Protestants attending Protestant schools and most Catholics attending Catholic schools and only approximately 2 per cent of the school population attending integrated schools. The Committee is of the view that current government policy, which appears to consist of a willingness to consider the conversion of existing Protestant or Catholic schools into integrated schools if it is the wish of the majority in a given school, is ineffective and likely to preserve the status quo. This situation is particularly deplorable given that it has been reported that
approximately 30 per cent of parents in Northern Ireland would prefer to send their children to integrated schools.

19. The Committee expresses its concern at the plight of the approximately 13,000 children permanently excluded from school and that a disproportionate number of these students are of African-Caribbean origin.

20. The Committee notes that the Irish language in Northern Ireland does not appear to receive the same degree of financial support and status as Gaelic in Scotland and Welsh in Wales, and expresses its view that such differentiation is unjustified.

22. The Committee is of the view that social assistance should be more carefully targeted to alleviate poverty among the segments of the population in the United Kingdom of Great Britain and Northern Ireland who are suffering from long-term unemployment, those whose overall revenue is low (particularly in relationship to family size), and those who are unable to work. Particular attention should be directed at groups which are statistically disproportionately represented at or near the bottom of the income scale and who appear to have difficulty in moving up from the lowest income group. From the examination, it would appear that such groups would include at least the following: ethnic minorities, women, lone parents, children in vulnerable situations, the elderly, people with disabilities, and Catholics in Northern Ireland.

25. The Committee recommends that the State party reconsider its policy and procedures for placing large numbers of children in foster homes in light of the reported increase of abuse of children as a result of this policy, and examine the feasibility of greater use of effectively supervised children's homes if this would be in the best interest of the child.

28. The Committee recommends that the State party take appropriate measures to eliminate corporal punishment in those schools in which this practice is still permitted, i.e. privately financed schools.

29. The Committee recommends that appropriate measures be considered in Northern Ireland to facilitate the establishment of additional integrated schools in areas where a significant number of parents have indicated their desire to have their children enrolled in such schools.

31. The Committee recommends that uniform defined criteria be formulated for school exclusions, and that the State party report on what government programmes, if any, exist to facilitate the insertion of excluded young people into alternative training or apprenticeship programmes.


YEMEN
Conclusions and Recommendations of the Committee against Torture: Yemen. 05/02/2004.
(i) The Committee is concerned at the low minimum age of criminal responsibility and at the detention of child offenders as young as 7 years in specialized hospitals or social protection institutions.
(i) Review the minimum age of criminal responsibility and ensure that all protective institutions and other places of detention meet international juvenile justice standards, including those of the Convention;

Concluding Observations of the Human Rights Committee: Yemen. 03/10/95.
263. The Committee recommends that the Government conduct a study on the phenomenon of working children, especially children in rural areas, and include its findings in its next periodic report to the Committee.

Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Yemen. 02/02/93.
205. The representative gave a detailed explanation of parts of the labour legislation. She referred to the special provisions concerning the working hours of pregnant or nursing women, and to the long maternity leave of 60 days, a special entitlement to leave in the event of the death of a
husband and the retirement age. Nurseries and kindergartens had been established to increase women's access to the labour market and, thus, ensure their full participation in the development process. Nevertheless, the problem of early marriage, which resulted in uncompleted education and illiteracy, as well as social and religious limitations and controls, still hindered women's participation.

212. Members urged the Government to pay special attention to education, also in rural areas. They cautioned against the Government's preference, mentioned in the second periodic report, to encourage marriage and the establishment of families as it prevented youngsters, especially girls, from completing even their basic education.

220. Asked about how the Yemeni Council for Mother and Child Welfare enforced policies for mothers and children, the representative said that maternity child-care centres had been established, as well as centres for monitoring health conditions and distributing contraceptives.

221. Concerning domestic and sexual violence against women, members asked what kind of information was available on the subject, what the incidence of such violence was and what measures the Government was taking in the form of legislation, public information campaigns and education to eliminate violence. Members asked whether the Government worked in cooperation with women's organizations in providing shelter homes or other protection for victims. The representative regretted that no statistics were available on violence, but he agreed that Yemen, like other societies, faced such a phenomenon. The Government was aware that violence could take various forms, both physical and psychological. Referring to the latter, he mentioned forcing a girl to marry at young age or preventing her from obtaining an education. He referred to government campaigns to raise awareness among women. Moreover, if a woman wanted to file a lawsuit against violence, she had the right to claim damages.

225. Reference was made to the education of girls in rural areas. In the third periodic report it had been mentioned that problems included the unavailability of special schools for girls and a lack of qualified female teachers. Asked why girls had to be trained in special schools and by female teachers, the representative said that when girls reached the secondary-school stage, they were usually separated from boys.

226. Members asked how the Government proposed to remove obstacles, including the definition of sex roles, and to encourage the access of girls to education on the basis of their own motives. The representative answered that the Government was building schools in villages to enable girls to attend, but that it could not force parents to send their girls to school. Many traditions and customs affected women negatively.

238. With regard to the reason for the lack of schools in rural areas, the representative said that the Government was trying to have a primary school in each village or at least in each district. Distances were often far and arduous for young children.


9. Despite the measures taken by the State party to advance the status of women in Yemen, the Committee is concerned about the existence of certain customs, traditions and cultural practices which lead to substantial discrimination against women and girls and that there are still persisting patterns of discrimination, particularly in family and personal status law, as well as inheritance law. The Committee is also concerned about the widespread discrimination faced by women in their access to an adequate representation at all levels of decision-making bodies in the State party.

10. The Committee is concerned about the limited progress attained by the State party to combat unemployment and that this remains at a very high rate, particularly among young people.

23. The Committee is concerned about the high level of tobacco consumption in the State party, especially among youth.

24. The Committee is concerned that the policy of compulsory education has yet to be fully
implemented. It further notes the high dropout rates, especially among girls in rural areas, and the inadequate training of teachers.

34. The Committee urges the State party to increase its efforts to reduce the rate of infant and maternal mortality by providing adequate access to health services and vaccinations programmes, especially for women and children in rural areas. The Committee urges the State party to adopt and implement a national sexual and reproductive health programme.

35. The Committee also urges the State party to adopt measures to eradicate child labour and to report on progress achieved in its next periodic report.

43. The Committee urges the State party to implement fully its National Action Plan for Education for All, taking into account the Committee's general comments Nos. 11 (1999) on plans of action for primary education (article 14 of the Covenant) and 13 (1999) on the right to education (art. 13).