

10th Anniversary Commemorative Meeting¹

Introduction

On 20 November 1999, the international community will celebrate the tenth anniversary of the adoption of the Convention on the Rights of the Child by the United Nations General Assembly. To mark this anniversary, the High Commissioner for Human Rights suggested to the Committee on the Rights of the Child at the opening of its twentieth session in January 1999 that a meeting be organized, within the framework of the twenty-second session of the Committee, to assess the impact of the Convention and to elaborate recommendations to improve its implementation. In view of this suggestion, the Committee exceptionally decided, during its twentieth session in January 1999, to postpone its next thematic debate to 2000 and instead agreed to co-organize, with the Office of the High Commissioner for Human Rights, a two-day workshop entitled “The Convention on the Rights of the Child: a decade of achievements and challenges”.

The meeting to celebrate the tenth anniversary of the Convention will take place in Geneva on Thursday, 30 September and Friday, 1 October 1999.

General information

The meeting will have two main objectives: to celebrate the tenth anniversary of the Convention and to highlight major achievements and constraints in its implementation. The meeting will review the impact of the Convention, following the approach favoured by the Committee, with the main focus on the lessons learned from implementation efforts at the national level. The discussions will keep a clear focus on the needs to:

- (a) Identify achievements and examples of best practice;
- (b) Identify challenges for the future and examples of constraints;
- (c) Formulate recommendations for future improvements.

A draft agenda for the meeting has been prepared (see below) by the Office of the High Commissioner for Human Rights which emphasizes the role of “general implementation measures” in the review of the implementation of the Convention. The draft agenda will be adopted by the High Commissioner and the Committee on the Rights of the Child during its twenty-first session.

The format of the meeting will be as follows:

- (a) A high-level segment will discuss implementation of the Convention at the international level in the morning of the first day, bringing together the Committee on the Rights of the Child, heads of United Nations agencies and bodies (OHCHR, UNICEF, ILO, UNHCR, WHO, UNESCO) and an NGO (chair of the NGO Group) to commemorate the tenth anniversary of the Convention;
- (b) “General measures of implementation” will be discussed in three different clusters, with round-table sessions held concurrently during the afternoon of the first day and the morning of the second day. The round tables will reach final

¹ Excerpted from CRC/C/87, Annex IV, 22nd Session, 30 September - 1 October 1999.

agreement on the formulation of recommendations and present them to a closing plenary session during the afternoon of the second day;

- (c) Round tables will be based on a discussion paper (detailed outline) drafted by OHCHR in consultation with Committee members and traditional partners (UNICEF, NGO Group);
- (d) Each round table will be chaired by a member of the Committee on the Rights of the Child;
- (e) Draft proposed recommendations on measures needed to improve implementation of the Convention will be prepared by each round table, for adoption by the Committee at the end of its twenty-second session;
- (f) In addition to a formal reception, to be held on the evening of the first day of the meeting, plans are being prepared to stage a musical performed by a group of Filipino former street children, in collaboration with the Stairway Foundation.

Participation at the meeting is proposed to be the following:

- (a) High-level segment: it is suggested that the meeting involve a high-level plenary session, hosted jointly by the Committee on the Rights of the Child and the High Commissioner for Human Rights, bringing together the heads of key United Nations programmes and agencies and an NGO (Chair of the NGO Group for the Convention on the Rights of the Child), to discuss the impact of the Convention at the international level;
- (b) Government involvement: formal invitations will go out to all Governments, encouraging them to participate actively in both segments of the meeting;
- (c) United Nations agencies, NGOs and individual experts: the meeting will be open to the public, with information distributed to United Nations programmes and agencies, NGOs and other interested individuals and organizations in the manner already in use for the thematic debates held yearly by the Committee. In addition, individual agency officials, experts and NGOs will be included among panellists invited to prepare brief presentations on the different topics to be addressed during the round-table sessions chaired by Committee members;
- (d) Children: different possibilities are being explored for involving children in the meeting, either from among those participating in the Committee reporting process under a UNICEF project or those performing in the musical organized to mark the event.

Expected results

The outcome of the meeting is expected to be:

- (a) Commemoration of the tenth anniversary of the Convention on the Rights of the Child by the High Commissioner for Human Rights and the Committee on the Rights of the Child, in cooperation with traditional partners (UNICEF and the NGO Group);

- (b) Adoption of a set of recommendations by the Committee for future implementation of the Convention, which can be of use for the United Nations and other partners in connection with the celebrations organized for 20 November 1999;
- (c) A report containing useful information regarding examples of best practices and a discussion of shortcomings and future challenges faced in the effort to implement the Convention at the international and national levels, to be included in the report on the twenty-second session of the Committee;
- (d) Depending on the quality of the papers and other materials submitted, possible publication of a collective volume within the publications programme of OHCHR.

Proposed agenda

Day I - Morning - Plenary

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| 10.00-10.15 | Opening: brief welcome by CRC Chairperson and Mrs. Robinson (5 minutes) |
| 10.15-13.00 | Plenary session: the Convention and the international community |
| 10.15-11.30 | Child rights - a priority on the international agenda <ul style="list-style-type: none"> • Statements by heads of agencies (10 minutes each): OHCHR, UNICEF, WHO, UNESCO, international NGOs • Questions and discussion (20 minutes) |
| 11.30-12.15 | Impact of the Convention on standard-setting <ul style="list-style-type: none"> • Statements by heads of agencies (10 minutes each): ILO, UNHCR • Questions and discussion (20 minutes) |
| 12.15-13.00 | The Convention's success and its challenges <ul style="list-style-type: none"> • Statements (10 minutes each): CRC Chairperson and founding CRC member • Questions and discussion (20 minutes) |

Day I - Afternoon session (15.00-18.00) - round tables I, II and III - chaired by CRC member

Round table I: Translating international law into reality

Reservations to the Convention

Status of the Convention in national legislation

Legislative review

Practice in courts

Round table II. Putting child rights on the agenda

Dissemination and awareness-raising

Training

Resource mobilization (budgetary aspects)

International cooperation and technical assistance

Round table III. Building partnerships for the realization of rights

The reporting process as a catalyst for domestic review and debate

Coordination and independent monitoring

Involvement of civil society

Child participation

Day I - Evening (18.00-20.00)

18.15-19.00 (approx.) Reception hosted by CRC and High Commissioner for Human Rights

19.15-20.30 (approx.) "Goldtooth, a Street Children's Musical"

Day II - Morning session (10.00-13.00) - round tables I, II and III - chaired by CRC member

Day II - Afternoon

15.00-16.30 Round tables I, II and III

Summary and discussion

16.30-17.30 Plenary

Reports and recommendations from round tables I, II and III (10 minutes each)

Comments and discussion

17.30-18.00 Plenary closing - CRC, OHCHR, UNICEF, NGO Group (5 minutes each)

Summary²

263. In the light of rule 75 of its provisional rules of procedure, the Committee on the Rights of the Child has decided to devote periodically one day of general discussion to a specific

² CRC/C/90.

article of the Convention or to a theme in the area of the rights of the child in order to enhance understanding of the contents and implications of the Convention.

264. On 20 November 1999, the international community will celebrate the tenth anniversary of the adoption of the Convention on the Rights of the Child (CRC) by the UN General Assembly. To mark this anniversary, the High Commissioner for Human Rights suggested to the Committee on the Rights of the Child at its twentieth session that a special meeting be organised, within the framework of its twenty-second session, to assess the impact of the Convention and to elaborate recommendations to improve its implementation. Accordingly, at its twenty-first session, the Committee decided to devote its next general discussion to a meeting organised jointly with the Office of the High Commissioner for Human Rights which would have as its theme “**Tenth anniversary of the Convention on the Rights of the Child commemorative meeting: achievements and challenges**”, to be held on **30 September and 1 October 1999**.

265. In view of the substantial amount of information that was prepared and submitted for this meeting, and of the number and diversity of participants and the richness of the discussions, OHCHR would prepare and distribute a special report on the meeting, which will include the most relevant documents and a more detailed account of the presentations and discussions that took place in the plenary and roundtable sessions. The present report is intended only to provide summary information on the meeting and highlight the recommendations that the Committee has adopted to guide and inspire its future work and that of States parties, OHCHR, other United Nations agencies and bodies, and other competent bodies in their future efforts to implement the Convention on the Rights of the Child.

266. The main objective of the meeting was defined:- its agenda as to highlight major achievements and constraints in the implementation of the Convention on the Rights of the Child and identify measures needed to improve implementation in the future. The meeting was expected to review the impact of the Convention, with the main focus on the lessons learnt from implementation efforts at the national level. The discussions were to keep a clear focus on the need to:

- (a) Identify achievements and examples of best practice;
- (b) Identify challenges for the future and examples of constraints;
- (c) Formulate recommendations for future improvements.

267. The agenda for the meeting included a plenary session to discuss implementation of the Convention at the international level and the extent to which child rights have become a priority in the international agenda, with participation from United Nations bodies and the specialized agencies (ILO, UNDP, UNHCR, UNICEF and WHO) and from the NGO Group for the Convention on the Rights of the Child (represented by the International Save the Children Alliance and the World Organisation against Torture). The Chairperson of the Committee on the Rights of the Child and one of its founding members would discuss the Convention’s success and its challenges.

268. The outline for the rest of the meeting, to be divided into three simultaneous roundtables, focused on the general measures needed to implement the Convention at the national level, including:

Roundtable I: Translating Law into Reality

269. After the adoption of an international treaty, implementation faces two initial challenges: the translation of the international legal obligations enshrined in the Convention into domestic legal obligations, and the translation of domestic laws into reality by means of their

day-to-day implementation. The discussion was expected to address four themes: (a) reservations to the Convention on the Rights of the Child; (b) status of the Convention in national legislation; (c) legislative review to ensure compatibility with the provisions of the Convention; and (d) practice in courts, including court cases making formal reference to the Convention.

Roundtable II: Putting Child Rights on the Agenda

270. Implementation of the Convention at the national level requires an enormous and systematic effort to ensure that its principles and provisions inform the attitudes and activities that affect the enjoyment of rights by all groups of children. For the adoption of the Convention to bring about change, the concept of child rights must be understood and adopted by the general public, and in particular by professionals working with or for children and by decision-makers who allocate economic resources at the national and international levels. The discussion was expected to address four themes: (a) dissemination and general awareness-raising; (b) training of professional groups; (c) resource mobilization, including the issues of budgetary allocations or macroeconomic policies; and (d) international cooperation and technical assistance.

Roundtable III: Building partnerships for the realization of rights

271. Implementation of the Convention is a process that requires participation by many different actors. The international reporting process should be the catalyst for national reflection and review; but national implementation requires the permanent involvement of institutions at the national level, including Government and independent bodies. A key role in ensuring implementation at every level is played by non-governmental institutions and, even more crucially, by the involvement of children themselves. The discussion was expected to address four themes: (a) the reporting process as a catalyst for domestic review and debate of the implementation of the Convention; (b) coordination and independent monitoring structures; (c) involvement of civil society, focusing on the role played by NGOs in the implementation of the Convention; and (d) child participation, including participation in the formulation of government decisions and policies.

272. As has been the case for previous thematic discussions, the Committee and the OHCHR invited representatives of States, United Nations organs, bodies and specialized agencies, as well as other competent bodies, including NGOs, research and academic organizations, individual experts and children, to contribute to the discussion.

273. Twelve individual experts were invited to prepare written presentations to launch the discussion of the individual themes in the roundtable sessions (the discussion on the theme of child participation, in the third roundtable, was launched by a group of children and no written presentation was prepared for this theme). The list of individual experts and their presentations, distributed as background documents for the meeting together with three “Guides to the Discussion” prepared by OHCHR, is contained in annex VI. Several States, United Nations agencies and bodies, NGOs and individual experts submitted contributions and other relevant documents on the themes to be discussed. The list of these contributions is contained in annex VII.

274. Representatives of the following organizations and bodies participated in the day of general discussion:

Governmental bodies

Mrs. Mairam Akayeva, First Lady of the Kyrgyz Republic; Ministry of Human Resources (India); Knesset (Israel); Ministry for Child and Family Promotion (Mali); Ministry of Youth Affairs (New Zealand); Ministry for Foreign Affairs (Poland); Ministry for Foreign Affairs, Ministry of Health and Social Affairs and Swedish International Development Cooperation Agency (Sweden); Federal Ministry for Foreign Affairs, Federal Office of Social Security, and Federal Statistical Office (Switzerland).

Permanent Missions to the United Nations Office at Geneva

Albania, Australia, Bahrain, Belarus, Brunei Darussalam, Croatia, Democratic People's Republic of Korea, El Salvador, Estonia, Finland, France, Germany, Holy See, India, Iraq, Israel, Jordan, Kenya, Kyrgyzstan, Mali, Netherlands, New Zealand, Pakistan, Paraguay, Poland, Portugal, Spain, Slovenia, Sweden, Switzerland, Trinidad and Tobago, Uruguay, Yemen, and Yugoslavia.

United Nations entities and specialized agencies

Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP), Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), and World Health Organization (WHO).

Non-governmental organizations

Action for Sick Children, Alianza para el Desarrollo Juvenil Comunitario, Amnesty International, Anti-Slavery International, Association pour l'Amélioration des Conditions d'Hospitalisation des Enfants, Association Presse Jeune, Associazione Volontari per il Servizio Internazionale (AVSI), Boston College Law School, Center for Reproductive Law and Policy, Centre for Child and the Law, Centre of Concern for Child Labour, Centro de Estudios e Investigación sobre la Infancia, CHANGE, Child Advocacy International, Child Rights International Research Institute, Children and Armed Conflict Unit (Univ. of Essex), Children's Rights Alliance, Children's Rights Office, Coalition to Stop the Use of Child Soldiers, Commission of the Churches on International Affairs of the World Council of Churches, Congress of Racial Equality (CORE), Conseil International des Femmes, CRIN/Save the Children, Defence for Children International, Dutch Children's Rights Shops, Enfant Droit, European Association for Children in Hospital (EACH), European University Institute, Federation for the Protection of Children's Human Rights, Focal Point on Sexual Exploitation of Children, German National Coalition for the Convention on the Rights of the Child, German National Committee for UNICEF, Human Rights Advocates, Human Rights Commission of Belize (NGO), Il Telefono Azzurro, Institute for Democracy in South Africa (IDASA), International Baby Food Action Network (IBFAN), International Association of Youth and Family Judges and Magistrates, International Bureau for Children's Rights (BIDE-IBCR), International Catholic Child Bureau, International Federation of Social Workers, International Federation Terre des Hommes, International Movement ATD Fourth World, International Save the Children Alliance, International School Psychology Association (ISPA), International Social Service, Irish Committee for UNICEF, Leaders of Tomorrow Foundation, Netherlands Institute of Human Rights (SIM)/Utrecht University, New Humanity, NGO Group for the Convention on the Rights

of the Child, Oak Foundation, Office for the Study of the Psychological Rights of the Child (Indiana-Purdue University), Ombudsoffice for Children and Youth (Upper Austria), One World Media, Pak Environment Education Society, PLAN International, Poor and Progress Assistance, Presswise UK, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Rights for the Children Registered Association, Rural Environmental Development Network, Save the Children (Norway), Save the Children (Sweden), Soroptimist International, TOWDA Foundation, Universiteit Gent, VOICE, WAO Afrique, Women's World Summit Foundation, World Association of Girl Guides and Girl Scouts, World Council of Churches International Ecumenical Children's Network, World Federation of Methodist and Uniting Church Women, World Federation of United Nations Associations, World Organization against Torture (OMCT), World Vision International, Young Media Partners, and Zonta International.

275. The meeting was opened by Ms. Nafsiah Mboi, Chairperson of the Committee on the Rights of the Child, who welcomed all participants. The plenary session, held on the morning of Thursday, 30 September 1999, was chaired by Mr. Bertrand Ramcharan, Deputy High Commissioner for Human Rights, and addressed the implementation of the Convention at the international level. Invited speakers included: Ms. A. Ouédraogo, Director for Policy, Development and Advocacy, International Programme on the Elimination of Child Labour (IPEC/ILO), Ms. O. Sorgho-Moulinier, Director, UNDP Office in Geneva, Mr. K. Kalumiya, Deputy Director, Department of International Protection, UNHCR, Ms. M. Santos Pais, Director, Division of Evaluation, Policy and Planning, UNICEF, Dr. J. Tulloch, Director, Department for Child and Adolescent Health, WHO, Mr. B. Gnärig, CEO, International Save the Children Alliance (NGO Group for the Convention on the Rights of the Child), Mr. E. Sottas, Director, World Organization against Torture (NGO Group for the Convention on the Rights of the Child), Ms. N. Mboi, Chairperson, Committee on the Rights of the Child, and Mr. T. Hammarberg, Special Representative of the Secretary-General for human rights in Cambodia and founding member of the Committee on the Rights of the Child.

276. Among other issues, Ms. Ouédraogo (ILO) referred to the work of IPEC and the adoption of the new ILO Convention (No. 182) on the Worst Forms of Child Labour, and requested the Committee on the Rights of the Child to continue its involvement in this area. Ms. Sorgho-Moulinier (UNDP) noted the adoption by UNDP in 1998 of a policy “integrating human rights with sustainable human development” and referred to current efforts to strengthen the organization’s capacity in the field of human rights and its relation to development. Mr. Kalumiya (UNHCR) expressed concern at the high number of children among refugees and displaced persons and at the increasing “targeting” of children in ethnically based and intra-State conflicts; he also stressed that the root causes of refugee displacements were invariably linked to the denial of human rights. Ms. Santos Pais (UNICEF) emphasized the broad ratification of the Convention on the Rights of the Child by Governments. She welcomed the abandonment of the false dichotomy between development and human rights, cast aside with the adoption - as part of the reform process - of human rights as a cross-cutting theme for the work of the United Nations. Mr. Tulloch (WHO) stressed the impact of ill-health and poverty on the right of children to survival and development. He reiterated his organization’s full commitment to placing the basic right to health and the health care of children and adolescents more prominently on the international and national human rights agendas, using the Convention on the Rights of the Child as a tool for advocacy and a conceptual framework for programmes. He also referred to efforts to increase awareness of child rights within WHO as well as the organization’s input to the reporting process of the Committee on the Rights of the Child.

277. Mr. Sottas (OMCT/NGO Group) recalled the apprehension, at the time the Convention was adopted, regarding the potential for conflict with existing international standards. The Convention had instead made a remarkable contribution, partly owing to its almost universal ratification, but also by foreseeing from the beginning a very strong role for

non-governmental organizations, which had forced them to re-examine their own work; he emphasized the need to increase the age for recruitment into the armed forces and participation in hostilities. Mr. Gnärig (International Save the Children Alliance/NGO Group) suggested that the Convention had had some impact in persuading States parties to review their legal frameworks, while much remained to be done to raise awareness about the Convention at the level of regional and local institutions. He highlighted discrimination (against children working or living in the streets, children with disabilities, refugee children, children belonging to ethnic minorities, etc.) as a critical area and encouraged children to claim their own rights. He also suggested that NGOs needed to improve their coordination efforts (and with Governments and international agencies) and to give higher priority to child rights.

278. Ms. Mboi (Chairperson of the Committee) highlighted seven key areas where, in the experience of the Committee, progress had been made but where major challenges remained. She stressed the need for an inclusive approach in all aspects of work related to the Convention by Governments and civil society, adults and children; the importance of working on all rights, with increased attention given to prosecution of violations of child rights; and improvements in the mechanisms and quality of child participation in affairs affecting their own lives. She referred to the Committee's commitment to addressing the backlog of reports while maintaining, and if possible improving, the relevance and practical applicability of concluding observations and recommendations. Finally, she announced the Committee's decision to begin adopting general comments as a contribution to the jurisprudence of human rights. Mr. Hammarberg (founding member of the Committee) outlined four key challenges for the future. In taking child rights "from lip service to political action", there was a need to (a) explore the implications of article 3 (bests interests of the child), including the need to assess the impact of decision-making on child rights, and (b) implement article 4 by allocating the maximum extent of available resources to the implementation of child rights, including the need for appropriate budgetary processes at the national level and for international financial institutions to give increased attention to child rights; in going "from charity to solidarity", there was a need to look more seriously (c) at article 19 and the prevention of child abuse, including the resistance to banning corporal punishment, and (d) at article 12 and how to encourage child participation, not only through one-off events or symbolic gestures but also at the local level, for every decision and on an everyday basis.

279. Mr. Huhtaniemi (Finland) presented a statement, on behalf of the States members of the European Union and supported by many other European States, welcoming the new willingness to accept children as the subjects of rights, emphasizing the need to increase protection for children involved in armed conflict or victims of exploitation, and reiterating their opposition to the death penalty particularly when applied to juvenile offenders. The statement also expressed full support for the work of the Committee on the Rights of the Child, which faced a heavy workload, for the involvement of NGOs and for the efforts of United Nations bodies and agencies, including the attention given by the Office of the High Commissioner for Human Rights to child rights in the context of its work on national human rights institutions and macroeconomic policies. Mr. Iakubowski (Poland) recalled that Poland had submitted in 1978 the draft for the proposed new convention, and urged that child rights be placed at the heart of all activities. Ms. Orkan (Sweden) emphasized the need to focus on child participation, to introduce a child-rights impact assessment for policy-making (including on budgetary matters), and to give greater priority to child rights in development policies. Mr. Hassan (Iraq) referred to the suffering of Iraqi children under the economic embargo. Ms. Rao (India) pointed out the complexity involved in ensuring that all the provisions of the Convention are eventually translated into justiciable rights, and referred to current efforts to promote child participation at the village level and to establish a National Commission for Children in India.

280. The plenary session was informal and dynamic, and many of the children present (from Albania, Belgium, Canada, Mali, Mexico, the Netherlands, Peru, the Philippines, and the United Kingdom) took the floor to respond to the statements made by various speakers. The children asked questions regarding child rights with respect to armed conflict in Africa, street children in Asia, and discrimination against foreign children in European countries, among other issues. Many of their interventions insisted on the need for international agencies and Governments to consult and involve children more actively in decision-making. There were repeated calls for the creation of a “World Parliament for Children”, with one child mentioning that such initiatives should be preceded by increased support for child participation at the local, regional and national levels.

281. OHCHR and the Committee on the Rights of the Child hosted a reception for all participants, with the support of the Permanent Mission of Germany to the United Nations Office at Geneva, on the evening of the first day. It was followed by a performance of "Goldtooth", a musical created and performed by a group of street children from the Philippines, attended by over 200 participants, United Nations staff and invited guests from the local community, including children of all ages.

282. For the afternoon session on Thursday, 30 September 1999 and the morning session of Friday, 1 October 1999, participants divided into three Roundtables which met simultaneously to discuss different aspects of the implementation of the Convention at the national level.

283. Roundtable I was chaired by Mr. Jaap Doek (Rapporteur, Committee on the Rights of the Child), with Ms. Marta Santos Pais serving as facilitator and rapporteur. The meeting started by addressing the subject of reservations to the Convention. Ms. Santos Pais noted that the paper submitted by Ms. Marie-Françoise Lücker-Babel drew attention to the various reservations entered by States parties to the Convention and in particular to the need to clarify whether any should be seen as “contrary to the object and purpose of the Convention”. The topic “Status of the Convention on the Rights of the Child in National Legislation” was presented by Ms. Sharon Detrick who highlighted the difference between States where international treaties were considered “self-executing”, those that adopted an intermediate approach requiring the “incorporation” of the Convention, and those that relied on a “dualistic” approach based on harmonization of national legislation to give legal effect to the provisions of the Convention. Mr. Emilio García Méndez led the discussion on the subject “Legislative Review”, pointing out that the ratification of the Convention had led to a shift from legislation based on children in “irregular situations” to legislation based on full protection and covering all children. The last subject to be discussed was “Practice in Courts”, presented by Mr. Jeff Wilson who focused on the difficulties involved in invoking the Convention in court cases and on the measures that could enhance the legitimacy of the Committee on the Rights of the Child and thus the position of the Convention before the States parties’ courts. Roundtable I was attended by 30-40 participants, including legal scholars, representatives of NGOs, governmental delegates, and one child. A full account of the perspectives and points of view presented during the discussions at all the Roundtables will be contained in a more detailed report.

284. Roundtable II was chaired by Ms. Mboi (Chairperson, Committee on the Rights of the Child), with Mr. Hammarberg serving as facilitator and Mr. Rakesh Rajani as rapporteur. On Thursday afternoon, the meeting was addressed by Mrs. Mairam Akayeva, First Lady of the Kyrgyz Republic and founder of the Meerim International Charitable Foundation for the Support of Childhood and Maternity, who raised the issue of access to education as a basic right of children. Mr. Rajani presented the theme “Dissemination and Awareness-Raising”, drawing attention to the need to adopt participatory approaches to awareness-raising and to acknowledge that the purpose of such dissemination was to bring about social change. The theme “Training of Professional Groups” was introduced by Mr. Yitahew Alemayehu who

focused on the need to integrate child rights and human rights in the formal and non-formal training of professionals and to the need for such training to focus on the provision of relevant technical skills. The theme “Resource Mobilization” was introduced by Ms. Shirley Robinson, who referred to the South African “Children’s Budget Project” as an example of how to address the need to increase awareness regarding the impact of budgetary decisions and macroeconomic policies on the implementation of child rights. The roundtable concluded with a discussion of “International Cooperation and Technical Assistance” presented by Mr. Jan Vandemoortele, who drew attention to the decline in levels of international assistance during the decade since the adoption of the Convention and to the need to give increased attention to capacity-building and to the provision of basic social services. Roundtable II was attended by 50-60 participants, including individual experts, representatives of NGOs, and a substantial number of governmental delegates and child participants.

285. Roundtable III was chaired by Ms. Marilia Sardenberg (Vice Chair, Committee on the Rights of the Child), with Mr. Nigel Cantwell serving as facilitator and rapporteur. The discussion on “The Reporting Process as a Catalyst for Domestic Review and Debate” was launched by Ms. Lisa Woll, who emphasized the need to make the report-preparation process more participatory and to increase the usefulness of the recommendations of the Committee and the efforts to follow up on their implementation. This was followed by a discussion on “Coordination and Independent Monitoring”, with a presentation by Mr. Peter Newell, who addressed the need for comprehensive national strategies and for governmental mechanisms for implementation, coordination and monitoring, and for child-impact analyses and data collection. Ms. Ankie Vandekerckhove then discussed the requirements of “ombudswork” for children, with a special emphasis on the need for independence. Ms. Virginia Murillo introduced the discussion on “Involvement of Civil Society”, highlighting the role that NGOs played in the reporting process, in the review of legislation and of public policies and programmes, and in some cases also in the provision of services to children. Mr. Ben Schonveld added remarks regarding the need for NGOs to review their roles with regard to child rights. A group of children from Albania, Belgium, Mali, Mexico, the Netherlands, the Philippines and the United Kingdom launched the discussion on “Child Participation”. Among other proposals, the children suggested the establishment of a “World Parliament for Children” and requested that consideration be given to including children among the members of the Committee on the Rights of the Child. Roundtable III was attended by 50-60 participants; numerous children took a very active part.

286. On 1 October, in the presence of Mrs. Mary Robinson, United Nations High Commissioner for Human Rights, UNICEF launched its new "Making Children Count" project. The project is setting up an Internet-based electronic database to compile positive examples of general measures - new laws, structures, policies and processes - taken to implement the human rights of children around the world.

287. The three Roundtables met again to discuss the adoption of recommendations, which were presented at the all participants final plenary session by the rapporteurs of the three Roundtables, after which Ambassador Catherine von Heidenstam (Sweden), Chair of the working group of the Commission on Human Rights drafting an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, briefly addressed the meeting.

288. Some of the children present at the meeting complained that the language of the recommendations had been extremely hard to follow and that some of their key proposals had not been included. Ms. Sardenberg and Ms. Ouédraogo replied that some of those proposals would require changes to the Convention itself (for example, that children be included among the expert members of the Committee) and that there had been conflicting opinions during the discussion of other proposals (for example, calling for the establishment of a permanent World Parliament of Children). Another child participant expressed appreciation for the

opportunity to participate in the meeting, and the hope that in future participation of children would be open to a larger spectrum of groups and that greater emphasis would be given to participation at the local and national levels.

289. The High Commissioner made a closing statement, thanking the children for their remarks and acknowledging that the recommendations, which reflected very hard and productive work and which would be extremely useful to guide the future work of the Office, were indeed complex and difficult to absorb during an oral presentation. She emphasized that encouraging child participation would require adults and children alike to learn how to interact. She also pointed out that the United Nations was only starting to think of ways to consider the views of children and that improvements were being made, while further efforts would be needed to find ways to make child participation more effective. She referred briefly, among other issues, to the involvement of children in armed conflict; to the special dialogue on child rights held during the 55th session of the Commission on Human Rights (on 14 April 1999) and its focus on economic, social and cultural rights (including the impact of macroeconomic policies); to the generous support from donors and the effective cooperation and involvement in the implementation of child rights of other United Nations agencies and bodies; and to the key role played by NGOs. She also noted the need for business to pay attention to child rights.

290. A reception was held immediately afterwards to commemorate the twentieth anniversary of the founding of Defence for Children International, the NGO set up exclusively to promote and protect the rights of children.

291. The Committee on the Rights of the Child acknowledges that it would be impossible to reflect the full complexity of the differing perspectives and rich debates that took place during the commemorative meeting in a comprehensive manner. On the basis of the recommendations presented by the rapporteurs of the Roundtables and the discussions held during the two-day meeting, the Committee decided to note and endorse the following conclusions:

- (a) The Committee on the Rights of the Child wishes to restate that it represents the values and provisions of the Convention and is guided in its work by the general principles of the Convention.
 - The Committee has a decisive role to play in monitoring the implementation of the Convention and progress made by States parties in the realization of children's rights. This monitoring role includes the assessment of measures undertaken to ensure full compatibility of law and practice with the Convention as well as to remove obstacles to its implementation.
 - Democratic participation and public pressure, facilitated by public awareness and training, are critical in bringing about the commitment and political will necessary for the achievement of child rights. In the same way that optimal implementation of the Convention requires the involvement of governments, civil society, children, and international cooperation, each component of the implementation process - including reporting - requires this broad involvement.
 - Child rights must be viewed as the human rights of children. The experience of general human rights activities over recent decades should be analysed and used to promote respect for the rights of the child, and to avoid the perseverance of the charity mentality and paternalistic approaches to children's issues.

- (b) The Committee has a decisive role to play in the assessment of the validity and impact of reservations made by States parties, and will continue to systematically raise this issue with States parties.
- The Committee will continue to encourage the review of reservations by States parties, as well as their withdrawal with a view to achieving the highest level of implementation of the Convention, and will consider adopting a General Comment on the subject of reservations.
 - The Committee will raise with States parties the compatibility of reservations with the “object and purpose of the Convention”, clarify the situations where a lack of compatibility exists and reservations may be invalid, and suggest specific steps to reverse such situations.
 - The Committee encourages the provision of technical assistance to assist States parties in their effort to review reservations with a view to their withdrawal.
- (c) The Committee will request that a detailed study be carried out on existing reservations, including on the experience of the Committee, follow up given to its recommendations for withdrawal, comparison with reservations entered by the same States parties to other human rights treaties, and potential implications of the alternative approaches the Committee could adopt.
- (d) The Committee will give increased and detailed attention to the need for a systematic approach to the issue of the legal status of the Convention during its examination of reports, both initial and periodic. Of particular importance in this regard are the need to clarify the extent of applicability of the Convention in States where the principle of “self-execution” is applicable, and the precise meaning of statements indicating that the Convention “has constitutional status” or “has been incorporated” in the national legal order. The request that States parties take appropriate measures, as required by article 4, to ensure that the provisions of the Convention are given legal effect within their domestic legal systems should be considered of fundamental importance for the implementation of the Convention. These measures should include effective remedies for the children, their parents and other relevant individuals or groups, and be in accordance with Article 27 of the Vienna Convention on the Law of Treaties.
- (e) The Committee points out that giving primacy to the Convention in their domestic legal orders does not preclude the need for States to take action to harmonize fully their national legislation with the provisions of the Convention, and to adopt complementary legislation and enforcement mechanisms, including in particular judicial and administrative remedies, to ensure its full implementation.
- (f) The Committee recommends to States parties that they set up a mechanism to ensure that all proposed and existing legislative and administrative measures are systematically reviewed to ensure compatibility with the Convention on the Rights of the Child. Such reviews should be carried out by considering all the provisions of the Convention, and be guided by its general principles; they should also give adequate attention to the need to ensure appropriate consultation with and involvement of civil society during the review process.
- (g) The Committee encourages non-governmental organizations, and legal professionals and scholars, to give priority attention to providing legal analyses of existing legislation and its compatibility with the Convention to the Committee, so they can be of use in its examination of reports presented by States parties, including in areas not usually

scrutinised with regard to their compatibility with the provisions of the Convention on the Rights of the Child.

- (h) The Committee encourages non-governmental organizations, academics and other individual experts to carry out more detailed and systematic studies of court cases on the interpretation or application of the provisions of the Convention on the Rights of the Child, in all types of legal systems, and in all areas of the Convention. Information obtained from such studies should, if possible, be provided to the Committee, as an input for examination of reports from specific States parties.
- (i) The Committee will continue to provide improved guidance and illustrations on the interpretation of the provisions of the Convention, including in the form of General Comments, and will attempt to do so in particular for the aspects that render provisions of the Convention justiciable. The Committee will give increased attention to the aspects of the examination of reports which most clearly affect the impact of the provisions of the Convention on the legal and judicial systems of States parties. The Committee encourages legal professionals and non-governmental organizations to make increased use of the Convention in bringing cases to national and international courts.
- (j) The Committee will consider initiating discussions on an Optional Protocol to the Convention providing a mechanism for individual communications, to ensure the availability of legal remedies at the international level with regard to the Convention on the Rights of the Child. The Committee encourages States parties to support its efforts in this respect.
- (k) The Committee recalls that dissemination and awareness-raising about the rights of the child are most effective when conceived as a process of *social change*, of interaction and dialogue rather than lecturing. Raising awareness should involve all sectors of society, including children and young people. Children, including adolescents, have the right to participate in raising awareness about their rights to the maximum extent of their evolving capacities.
- (l) The Committee recommends that all efforts to provide training on the rights of the child be practical, systematic and integrated into regular professional training in order to maximize its impact and sustainability. Human rights training should use participatory methods, and equip professionals with skills and attitudes that enable them to interact with children and young people in a manner that respects their rights, dignity and self-respect.
- (m) The Committee calls attention to the fact that economic policies are never child-rights neutral. The Committee calls on civil society to assist it in seeking the support of key international leaders, and in particular the High Commissioner for Human Rights, the Executive Director of UNICEF, and the President of the World Bank, to examine how macro-economic and fiscal policies impact on children's rights, and how these policies can be reformed so as to make them more beneficial to the implementation of the rights of the child.
- (n) With regard to article 4 of the Convention, the Committee calls for action to promote and disseminate evidence that demonstrates that investing in children and basic social services makes excellent economic sense, and that their neglect undermines economic and social development. State parties and civil society actors need to make budget documentation and processes more transparent and accessible to as many people as possible, and invest in raising the "economic literacy" of the public.

- (o) The Committee reminds States parties that resource allocation for basic social services has the greatest impact on the realization of child rights. This means that ‘the maximum extent of available resources’ as emphasized in article 4, should prioritise children in resource allocation, facilitating universal provision of quality basic social services for children. Investment in children today is the best guarantor of equitable and sustainable development tomorrow. Universal access to an integrated package of basic social services is within the financial reach of the world community, though it will often require early and steep debt relief and greater reductions in military spending. In particular, State parties should provide free primary education for all children, in accordance with article 28 of the Convention, and strive for the enjoyment of the highest attainable standard of health for all children, in line with article 24 of the Convention.
- (p) The Committee requests States parties to give increased attention to the provision of information regarding fiscal commitment to children, which should be transparent and adequately reported (including national and sub-national government commitment to children). In this respect, the Committee wishes to call attention to its guidelines regarding the form and content of periodic reports.
- (q) The Committee requests that attention be given to the inclusion of the review of the “20/20 initiative” and its implementation at the “Special Session of the General Assembly in the year 2000 for the overall review and appraisal of the implementation of the outcome of the World Summit for Social Development”, and at the “Special Session of the General Assembly on the Follow Up of the World Summit for Children in 2001”.
- (r) The Committee reminds States parties that they should take all necessary measures to ensure that wide consultation takes place during the preparation of reports, and that the report preparation process serves to stimulate public debate and awareness regarding the implementation of the Convention.
- (s) The Committee will give increased consideration to looking for ways in which the reporting burden on States could be reduced to facilitate improvements in the report preparation process. The Committee may, if necessary and on a case-by-case basis, consider identifying priorities in reporting or reducing expectations in that regard, while ensuring continuous monitoring of the rights of the child. Any efforts in this respect will be carefully considered to ensure co-ordination with approaches used by other treaty bodies monitoring the implementation of international human rights treaties.
- (t) The Committee points out that every national, as well as state and local, level of government, must place coordinating responsibility for child rights within a senior level of government. It recommends that these coordinating bodies be at the appropriate level, such as in the office of the President or similar executive levels in state and local governments. Each coordinating body should be vested with the status and financial and human resources to enable it to carry out its duties and to obtain or demand cooperation from all government departments in implementing children’s rights.
- (u) The Committee recalls that coordination of implementation efforts should be accompanied by provision for effective review and monitoring of achievement. The Committee considers that permanent structures and mechanisms that exist for the promotion of human rights - such as ombudspersons or national human rights commissions - can be effectively used for the human rights of children, provided sufficient importance is in practice given to this population group, for example through a specific focal point within the structure concerned. The establishment of independent monitoring mechanisms, whether specifically for child rights or within the functions of national human rights institutions is thus particularly encouraged. The establishment of such mechanisms should build on the requirements of the Convention, the “Paris

Principles”, and the practical experiences of existing institutions. Guidelines should be developed for the effective promotion of the human rights of children by national human rights institutions.

- (v) The Committee recommends that the relationship between governments, NGOs, children and other actors, in the implementation of child rights be continuously reviewed, so as to ensure the avoidance of negative impacts on children’s rights of reduced financial support for programmes, in accordance with the spirit of the Convention. The Committee recommends that States parties ensure:
- that they do not devolve responsibility for the implementation of children’s rights to non-governmental organisations without the necessary provision of resources, including training, and that the involvement of non-governmental organizations in implementation efforts does not lead to the abdication of responsibility by the States parties;
 - that the provision of financial or other resources by States or others does not threaten the independent role of civil society;
 - that in any decentralisation or privatisation process, the Government retains clear responsibility and capacity for ensuring respect of its obligations under the Convention.
- (w) The Committee will consider adopting, as a priority, a comprehensive general comment on child participation as envisaged in the Convention (and more particularly in articles 12 through 17) bearing in mind that participation includes, but is not limited to, consultation and proactive initiatives by children themselves. The Committee reminds States parties of the need to give adequate consideration to the requirements of these provisions. Such attention should include:
- taking appropriate measures to support the right of children to express their views;
 - ensuring that schools, as well as other bodies providing services for children, establish permanent ways of consulting with children in all decisions concerning their functioning, the content of the curriculum or other activities;
 - increased consideration to the creation of space, channels, structures and/or mechanisms to facilitate the expression by children of their views, in particular with regard to the formulation of public policies from local up to national level, with appropriate support from adults, including in particular support regarding training. This requires investment to *institutionalize* effective spaces and opportunities for children to express their views and to engage with adults, especially through schools, community organisations, NGOs, and the media;
 - encouraging and facilitating the creation of structures and organisations run by and for children and youth.
- (x) The Committee encourages States parties, non-governmental organizations, and others preparing reports, to include the views of children, in particular on the status of children’s rights and the impact of the Convention on their lives, in monitoring and reporting on the implementation of the Convention.
- (y) The Committee will give careful consideration to the need to ensure the most appropriate approach to the participation of children in its own work.

Documents Submitted³

List of background documents (in original language(s) only)

1. OHCHR, "Guide to the Discussion" for Roundtable I: "Translating Law into Reality".
2. Marie-Françoise Lückér-Babel (Docteur en droit, Genève), "Les réserves à la Convention des Nations Unies relative aux droits de l'enfant et la sauvegarde de l'objet et du but du traité international", published in *European Journal of International Law*, Vol. 8(1997), No. 4, pp. 664-682.
3. Sharon Detrick (Children's Rights Consultancy International (Voorschoten)), "Status of CRC in National Legislation".
4. Emilio García Méndez (UNICEF, Bogotá), "Legislative Review: Child Legislation in Latin America, Models and Trends".
5. Jeffery Wilson (Barrister, Toronto), "A tale of a court that does not like children and one that does, and how an international convention may make no difference".
6. OHCHR, "Guide to the Discussion" for Roundtable II: "Putting Child Rights on the Agenda".
7. Rakesh Rajani (Harvard University), "The Politics of Raising Awareness for Child Rights: Lessons from Tanzania".
8. Yitayew Alemayehu (Action Professionals' Association for People - APAP, Addis Ababa), "Professional Training and the CRC - Reflections on the Ethiopian Experience".
9. Shirley Robinson and Mastoera Sadan (Children's Budget Project, Institute for Democracy in South Africa), "General Measures of Implementation: Mobilisation of Resources for Children".
10. Jan Vandemoortele (Chief, Policy Analysis, UNICEF), "International cooperation and technical assistance".
11. OHCHR, "Guide to the Discussion" for Roundtable III: "Building Partnerships for the Realization of Rights".
12. Lisa Woll (Director, The Convention on the Rights of the Child Impact Study, Washington, D.C.), "The Reporting Process as a Catalyst for Domestic Review and Debate".
13. Peter Newell (Chair, Council of the Children's Rights Development Unit and Coordinator of End Physical Punishment of Children - EPOCH, London), "Making Governments Work for Children".
14. Ankie Vandekerckhove (Commissioner for Children's Rights, Flemish Community (Belgium)), "Quality Requirements for Ombudswork for Children".
15. OHCHR, "Role of National Human Rights Institutions in the Protection and Promotion of the Human Rights of Children" (Manila, 9-10 September 1999).

³ CRC/C/90, Annex VI, VII.

16. Virginia Murillo Herrera (Presidenta Ejecutiva, Defensa del Niño Internacional DNI (Costa Rica)), “El involucramiento de la sociedad civil en la implementación de la la Convención sobre los Derechos del Niño”.

List of submissions received (original language(s) only)

1. Ann Birch (Casa Alianza), “The Tenth Anniversary of the Adoption of the United Nations Convention on the Rights of the Child - Success and Challenges”, 7 pp.
2. André Dunant, “Mineurs en prison: Pourquoi si peu d’alternatives?”, 6 pp.
3. Yuji Hirano (Federation for the Protection of Children’s Human Rights), “The Roles Played by Japanese NGOs in the Initial Reporting Process”, 9 pp.
4. Associazione Volontari per il Servizio Internazionale, “Contribution of the AVSI’s Scientific Committee on the best practices in the implementation of the Rights of the Child”, 11 pp.
5. Cynthia Price-Cohen (Childrights International Research Institute), “Child Rights Jurisprudence - Its Relevance for Advocates and Practitioners”, 2 pp.
6. Human Rights Commission of Belize (NGO), “The Current Situation in Belize”, 2 pp.
7. Ellen Mouravieff-Apostol and Jaap van der Straaten (NGO Committee on UNICEF and PLAN International), “The Unregistered Children Project: towards full implementation of article 7 of the UN Convention on the Rights of the Child”, 7 pp.
8. Sarah McNeill (PressWise), “Child Rights and the Media: Representing Lost Childhood - International Media Awareness Project”, 2 pp.
9. UNESCO, “Translating Law into Reality - Reservations”, 1 p.
10. European Association for Children in Hospital, “Report: Implementation of Children’s Rights in Health Care Services in Europe”, 6 pp.
11. International Baby Food Action Network, “Translating the Convention into law and law into reality”, 2 pp.
12. Kathy H. Martinez (Centre for Reproductive Law and Policy), “Implementing Adolescent Reproductive Rights through the Convention on the Rights of the Child”, 29 pp.
13. Archana Mehendale and Babu Mathew (Centre for the Child and the Law), “Child Rights in the Indian Context”, 10 pp.
14. David Southall (Child Advocacy International), “To the Secretary-General of the United Nations”, 2 pp.
15. Claudia Stangl-Taller, “The Constitutional Translation of the UN Convention on the Rights of the Child in Austria”, 4 pp.
16. Claudia Stangl-Taller, “Austria - Draft of a Federal Constitutional Law for the Protection of the Rights of Children and Youth”, 6 pp.
17. International School Psychology Association, “Respectful School Communities: Laying the Foundations of Peace and Tolerance in the New Millennium”, 2 pp.

18. International School Psychology Association, "Cross-National Research on the Perspectives of Children and Adults about the Status of Children's Rights", 3 pp.
19. International School Psychology Association, "Child Rights Education-International: An International Distance Learning Program for Professionals and Policy Makers", 3 pp.
20. International School Psychology Association, "Experimental Reporting System for the Education Articles of the Convention on the Rights of the Child", 4 pp.
21. International School Psychology Association, "1st and 2nd International Conferences on Children's Rights in Education", 3 pp.
22. Pax Christi International, "Child Labour in India", 4 pp.
23. Ritva Salunen and Jali Raita, "Rights for the Children Registered Association - Finland", 10 pp.
24. Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, "Message of the Federal Ministry of Justice of the Federal Republic of Yugoslavia on the Occasion of the Tenth Anniversary of the Adoption of the Convention on the Rights of the Child", 3 pp.
25. Permanent Mission of the Republic of Trinidad and Tobago to the United Nations Office at Geneva, "Submission by the Republic of Trinidad and Tobago to the twenty-second session of the Committee on the Rights of the Child", 4 pp.
26. Patricia Cruzado Muñoz (Commission on International Affairs of the World Council of Churches), "Contribución a las discusiones que se llevarán a cabo en la Reunión de Conmemoración del Décimo Aniversario de la Convención sobre los Derechos del Niño", 3 pp.
27. Unit for Research and Education on the Rights of the Child of the University of Victoria (British Columbia, Canada), "International Child Rights Education Institute: A Program of Instruction, Discussion and Debate on the Human Rights of Children for Professionals and Policy Makers", 2 pp.
28. UNICEF, "Reservations to the Convention on the Rights of the Child", 16 pp.
29. UNICEF, "Status of the Convention on the Rights of the Child in the Domestic Legal Order", 18 pp.
30. UNICEF, "Translating Law into Reality: Practice in Courts", 18 pp.
31. OHCHR, "Macro-economic Policies and the Rights of the Child", 5 pp.