



**DRAFT SUBMISSION TO OPEN-ENDED WORKING GROUP
CONSIDERING THE ELABORATION OF AN OPTIONAL
PROTOCOL TO PROVIDE A COMMUNICATIONS
PROCEDURE FOR THE CRC**

We, as Ombudspersons for Children, strongly support the elaboration of an Optional Protocol to the UN Convention on the Rights of the Child (CRC) to provide a communications procedure. We believe such a procedure would contribute substantially to the strengthening of the implementation of the CRC.


Ombudspersons for Children are human rights institutions entrusted by their respective national law with, among other powers, the monitoring of the implementation of the UN Convention on the Rights of the Child.

We join the UN Committee on the Rights of the Child, as well as other international and national experts and organisations, including other national human rights institutions, UN agencies and NGOs who are advocating on this issue.

Children, like adults, need effective remedies for breaches of the full range of their rights at national level. But also, when national systems fail them or do not exist, they and their representatives, including our institutions, need international mechanisms to pursue accountability.

It is a matter of deep concern to us that the CRC should be the only core human rights instrument that lacks a communications procedure to complement the reporting procedure. The CRC contains many unique rights for children that cannot be pursued through existing communication procedures linked to other human rights instruments.

Furthermore, these other procedures do not engage a specialised group of experts on children's rights. The Committee on the Rights of the Child needs to be empowered, like other Treaty Bodies, to consider individual communications and thus also in time develop jurisprudence under the Convention. This will further help States by clarifying their obligations under certain articles.



Furthermore, the establishment of a procedure will act as a catalyst for States to develop remedies at the national level for children whose rights are breached.

As Ombudspersons for Children, we know all too well how vital it is for children to have accessible national mechanisms. However, the reality is that few countries do have adequate systems in place, appropriate to the special status of children.

Our institutions, established through legislation to safeguard and promote the rights of children, are particularly aware of the gap between the commitments which States parties have made on ratification to implement the Convention, and the effective recognition and realisation of children's rights in reality.


The European Network of Ombudspersons for Children (ENOC) has therefore established a Working Group on children's access to national and international justice, because of our concerns about the lack of real remedies for many varied breaches of children's rights. In some States, children have no legal standing, independent of their parents, and there is poorly developed legal advocacy for children.

We hope that States will take particular note of the very strong support for this proposal from human rights institutions for children and from NGOs in all regions who are directly engaged in representing children and advocating for recognition of their rights.

And we are confident that children's Ombudspersons, other human rights institutions, NGOs and legal advocates for children will be able to surmount the special difficulties and ethical issues of representing children.

We recognise that there will be challenges ahead in developing this mechanism, but we are committed to working together with Member States and other experts.

We hope that the discussions during the meeting of the Working Group will conclude that the need for such a mechanism no longer needs to be debated.



We strongly urge States to move the discussion forward and agree that it is only by beginning to draft the procedure that some of the remaining questions can be answered.

As the CRC this year celebrates its 20th anniversary, surely Member States will agree that children have waited long enough for their status as rights-holders to be fully confirmed by the adoption of a communications procedure.