

A Guide for Non-Governmental Organizations Reporting to the Committee on the Rights of the Child

This summary was prepared for the CCCABC and CCAAC Boards of Directors as information regarding the process for reporting to the UN on the CRC.

Much of the summary is based on direct quotes from the document.

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Background

Convention of the Rights of the Child (CRC) ratified by Canada in 1990
Provides children with fundamental human rights and freedoms
First international human rights treaty to include civil, political, economic, social and cultural right in a single document

Committee on the Rights of the Child

CRC is monitored through reports submitted by countries (States) on a regular basis (5 years)
Committee composed of 18 independent experts to 4 year terms
Meets in Geneva (Switzerland) 3 times a year for 4 weeks each session
Examines the progress made by countries in fulfilling their obligations under the convention
Approach is non-confrontational
Secretariat at the Office of the High Commissioner for Human Rights in Geneva provides support and advice to Committee

Overview of Periodic Reporting Procedures

Countries required to report 2 years after first ratifying treaty, after that reports required every five years
Committee may also request a complementary report or additional information (ie CEDAW report on murdered and missing women and social assistant rates required Canada to report back with supplementary report within 1 years after Oct 2008 report. That supplemental report is expected to be submitted by January 30, 2010)

Examination of State Parties' Report

After country submits report, the Committee examines at the next available session (usually 1 year from submission) As of Jan 2010 Canada has not been officially scheduled for review, but after contacting the UN it is supposed that Canada will be scheduled for review in the Spring of 2011

Pre-sessional working group

NGOs can submit reports/questions (approx. 20 questions is suggested) to the Committee to provide information and influence the Committee's list of issues to be submitted in advance to the State

This process usually occurs approx 3-6 months before the Country is slated for its review (called the plenary session) While not officially slated, it is thought that the next pre-sessional working group for Canada's report will be in Jan/Feb of 2011. (Our written brief would need to be in by Nov 2010)

These issues are examined by the Committee and the State in the following plenary session

After this plenary session, the Committee prepares concluding observations
NGOs can have "in person" influences at both pre-sessional and plenary sessions although because NGOs can have voice at the pre-sessional but not the plenary session, it is advised that the most influence usually occurs at the pre-sessional working group session.

Optional Protocols refers to issues regarding sale of children, child prostitution and child pornography (OPSC)

The Optional Protocols were adopted by the General Assembly as an add on to the CRC in 2000

NGOs and the Committee

UN encourages NGOs to submit reports. NGOs are encouraged to submit reports collectively (get endorsements, co-ordinate work together with other orgs etc.) This helps reduce the work of the Committee by giving the Committee one report rather than 20 to read. There is a belief that it is much more difficult of the State (government) to discredit a report in the plenary session, if a report has the backing of other NGOs

Committee welcomes written information from international, regional, national and local organizations

NGO Written Submissions

The Committee recommends governments consult with NGOs for advice when preparing their report (since Canada did not do this we might want to comment on this in our report)

"The Committee on the Right of the Child seeks specific, reliable and objective information from NGOs in order to obtain a serious and independent assessment of the progress and difficulties encountered in the implementation of the CRC. The Committee knows that government reports often report on legislative framework, not implementation process. (This is the case with Canada's latest report)

The Committee is also interested in receiving information on areas where the government report does not give sufficient information and on areas of concern not covered or, in the opinion of the NGO, covered incorrectly or misleadingly

Reporting can

- Empower NGOs by offering a legitimate external source to which children's issues can be raised and addressed
- Facilitates public scrutiny of government policies
- Influence the agenda of the country

Putting together a periodic report (our report will be due Nov 2010)

NGO reports should contain a section-by-section analysis of the state party report

Follow thematic structure rather than article by article

Themes which affect child care family environmental and alternative care Articles 5,9,10,11,18,20,21,25,27.4)

Education, leisure and cultural activities Articles 28, 29,31

Also General Comment #7

Include analysis of law, policy and practice

The report should be based on the broadest possible range of information sources including

- Current legislation and government reports
- Government statistics
- Verbatim records of parliamentary/legislative proceedings
- Reports published by other groups
- Published researches

The report should point out relevant legislation and statistics to support or contradict the information provided by the government

If there is a lack of statistical information, this can also be mentioned as a recommendation to improve the monitoring of the Convention

The **concluding observations** from previous reports should be used as the basis for the NGO report in order to inform the Committee about progress made in the areas already highlighted by the Committee and whether or not progress has been sufficient
The NGO report should also inform the Committee on the positive and negative changes in the key areas since the last report

Any new areas of concern should be highlighted

The report should be directly linked to an analysis of the implementation of the Convention with clear indications of which articles are being breached, in what way, and the consequences that this implies (we'll sue General Comment 7 as interpretation guideline)

Practical Information

NGO reports should be no longer than 30 pages

Abstract or summary is helpful to highlight key issues, point out principal preoccupations related to the implementation of CRC

Do not word in a tone that may be considered to be overly political

Subjective opinions should not be included – aim is for a constructive dialogue rather than conflict

Do not hesitate to point out problems and suggest concrete measure to be taken

Submit report within 6 months after the government report has been received to ensure it is taken into account during the pre-sessional working group meeting (we have been advised that our report will be due November 2010)

Submit to the NGO Group Liaison Unit or directly to the Office of the High Commissioner for Human Rights

Submit 25 copies (you can ask the NGO Group to photocopy if the group can't but the NGO Group only photocopies limited copies so it's better to photocopy the 25 copies ourselves)

Also submit report electronically to www.crin.org/docs/resources/treaties/crc.25/annex-vi-crim.shtml

The report will be published so indicate whether the NGO Group has permission to include the report in this resource (The NGO Group sends the NGOs a permission letter to sign prior to putting the report on the CRIN web site)

Pre-Sessional Working Group of the Committee

Interested NGOs should state clearly in the cover letter accompanying their report that they wish to participate in the working group meeting

If you're chosen (not everyone is) the Committee will send a letter of invite. Some say even if you don't get invited, you can just show up

By submitting questions one can help set priorities and identify key issues for discussion
Bring copies of statistics or studies that might be referred to during an oral presentation or that may interest Committee members

Send 2 or 3 reps, 1 should have a comprehensive understanding of the situation of the rights of children in their country, as Committee members often ask a wide range of detailed questions that only an expert can answer. Additional representatives should include a lawyer who can respond to the various legal aspects of the implementation of the Convention and a specialist in at least one of the key areas of concern.

Chair will ask the NGO to make a short introductory statement which should highlight a limited number of key issues of concern

Don't provide info about the work of the NGO (you can distribute something in writing if you want to distribute to Committee members)

Speak for no more than 10 minutes

- 1) give your opinion of the State report
- 2) point out main problems that children are facing in their country
- 3) provide update of new information since the submission of the written documentation

Committee wants to know if the government consulted with NGOs in preparation of the report

If the report reflects NGO concern and if it was made widely available within the country

Copies of oral statements must be submitted in advance for the interpreters and may also be submitted to Committee members for future reference

Does not allow the use of Power Point

Only one person from the delegation should make the opening presentation

Committee members are invited to comment or ask questions, then a 10 minutes break to prepare responses

Before the plenary session

The plenary session is the session where Canada will defend its report approx 3 – 6 months after the Pre-sessional working group meets. Best guess is that Canada will be slated for its plenary session in Feb 2011.

NGOs may want to organize a public event such as a press conference to bring the wider public's attention to the upcoming meeting and its possible implications as well as the NGO recommendations to the Committee

The Committee also welcomes receiving additional information from NGOs to clarify issues raised during the pre-session or to provide written responses to questions that remain unanswered

Plenary Session

3 times a year

Government delegation presents and defends its report

NGOs are welcome/encouraged to attend although they do not have a right to speak during the meetings

The Committee does not meet formally with NGOs during the plenary session

Concluding observations

Committee will adopt concluding observations

NGOs are encouraged to get national media involved in reporting the concluding observations and the comments of the Committee members in the press