



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-seventh session

### Summary record (partial)\* of the 1614th meeting

Held at the Palais Wilson, Geneva, on Monday, 30 May 2011, at 10 a.m.

*Chairperson:* Ms. Lee  
*later:* Mr. Zermatten

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\* No summary record was prepared for the rest of the meeting.

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*The meeting was called to order at 10.15 a.m.*

### **Opening of the session**

1. **The Chairperson** declared open the fifty-seventh session of the Committee on the Rights of the Child.

### **Statement by the representative of the Secretary-General**

2. **Ms. Wan-Hea Lee** (Human Rights Treaties Division, Office of the High Commissioner for Human Rights) said that, on 16 February 2011, the open-ended working group on an optional protocol to the Convention on the Rights of the Child, set up to elaborate a communications procedure, had adopted a draft text, which it had submitted to the Human Rights Council for consideration at its seventeenth session, from 30 May to 17 June 2011. Under the draft text, the Committee was authorized to receive individual complaints and inter-State communications, and to undertake enquiry procedures. The Office of the High Commissioner noted the Committee's disappointment that certain provisions, such as the collective communications procedure, were not included in the text, while others that the Committee did not support had been retained, such as the possibility for States parties to opt out of the enquiry procedure and to make reservations to an article of the protocol.

3. The first meeting of the States parties to the International Convention for the Protection of All Persons from Enforced Disappearance would take place in New York on 31 May 2011. The first 10 members of the Committee on Enforced Disappearances would be elected on that occasion.

4. She drew attention to the latest developments of the consultative process to strengthen the treaty body system, which had started in Dublin in November 2009, with subsequent meetings being held in Seoul in April 2010 and in Sion, Switzerland, in May 2011. The latter had involved 150 participants from more than 90 countries, as well as the chairpersons or other representatives of all the treaty bodies and the High Commissioner for Human Rights. Several suggestions had been put forward on such topics as rationalizing the reporting process, improving the quality of the dialogue between States parties and the committees and ensuring the independence of experts. Further consultations had been scheduled for June 2011, in Pretoria with grass-roots civil society organizations and in Lucerne, first with academics and later with United Nations actors and selected regional bodies. The consultation stage would draw to a close in Dublin in November 2011, and the High Commissioner for Human Rights would publish a report on the matter in early 2012.

5. The next inter-committee meeting would take place from 27 to 29 June 2011 and would focus on harmonizing working methods and enhancing the effectiveness of the treaty bodies. Particular attention would be paid to the structure of the dialogue with States parties, the structure and length of concluding observations, and interaction with stakeholders, particularly with national human rights institutions and non-governmental organizations (NGOs). The meeting would be followed on 30 June and 1 July 2011 by the twenty-third meeting of chairpersons, which would address the harmonization of working methods, the eligibility and independence of experts, and the question of how to make the best use of the meeting of chairpersons.

6. The High Commissioner for Human Rights commended the Committee's role in promoting coordination between the treaty bodies and in drafting a joint general comment on harmful traditional practices with the Committee on the Elimination of Discrimination against Women.

7. A meeting of experts on the legal framework required to prohibit, prevent and respond to all forms of violence against children would be held in Geneva in July 2011,

organized by the Office of the High Commissioner for Human Rights, the Office of the Special Representative of the Secretary-General on violence against children, the Inter-Parliamentary Union and the Non-Governmental Organization Advisory Council as a follow-up to the United Nations study on violence against children. The aim would be to formulate practical recommendations to accelerate the adoption of effective legislation to protect all children from violence. The Committee, special procedure mandate holders, United Nations agencies, members of parliament and representatives of civil society would all take part in the consultation.

8. Another meeting of experts devoted to tackling violence in schools would be held in Oslo on 27 and 28 June 2011, organized by the Special Representative of the Secretary-General on violence against children, the Council of Europe and three Norwegian ministries: the Ministry of Education and Research, the Ministry of Children, Equality and Social Inclusion, and the Ministry of Foreign Affairs. Recommendations from both meetings of experts would be presented in the Special Representative's report to the General Assembly.

9. She noted with concern that the resources allocated to the documentation service had not increased, despite growing demand. Indeed, the budget was set to decrease further, which would adversely affect the translation of documents. It had been necessary, once again, to call on the United Nations Children's Fund (UNICEF) for the informal translation of some sessional documents.

10. To conclude, she praised the quality of the work carried out by the outgoing Bureau and the crucial role of the Chairperson, who had led the Committee with great wisdom.

11. **The Chairperson** welcomed the new Secretary of the Committee, Ms. Allegra Franchetti.

### **Organizational matters**

#### *Solemn declaration by the newly elected members of the Committee*

12. At the invitation of the Chairperson, **Ms. Al-Shehail, Mr. Cardona Llorens, Mr. Gastaud, Ms. Wijemanne, Ms. Sandberg** and **Mr. Madi** made the following declaration in accordance with article 15 of the rules of procedure: "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Rights of the Child honourably, faithfully, impartially and conscientiously."

13. **The Chairperson** invited members of the Committee to approve by secret ballot, the appointment of Ms. Nores de García to replace the resigning member, Ms. Villarán de la Puente, as established under article 14, paragraph 4, of the rules of procedure.

14. *The Chairperson and Mr. Zermatten acted as tellers.*

15. *A vote was taken by secret ballot.*

*The meeting was suspended at 10.30 a.m. and resumed at 10.35 a.m.*

16. **The Chairperson** said that the appointment of Ms. Nores de García had been approved unanimously.

17. **Ms. Nores de García** made the following declaration in accordance with article 15 of the rules of procedure: "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Rights of the Child honourably, faithfully, impartially and conscientiously."

*Election of officers*

18. **The Chairperson** invited Committee members to nominate candidates for the office of Chairperson.
19. **Mr. Kotrane** nominated Mr. Zermatten for the office of Chairperson.
20. **Ms. Maurás, Mr. Koompraphant** and **Ms. Aidoo** seconded the nomination.
21. *Mr. Zermatten was elected Chairperson by acclamation.*
22. *Mr. Zermatten took the Chair.*
23. **Ms. Yanghee Lee**, in a brief summary of the high points of her two terms of office as Chairperson, said that she would in particular remember meeting human rights defenders working in especially trying circumstances, and also children themselves, whom she characterized as true champions of human rights. She considered herself fortunate to have chaired the Committee during the twentieth anniversary of the adoption of the Convention, and thus to have been able to take part in the organization of various commemorative events. She was also pleased to have helped conduct deliberations for the drafting of a third optional protocol to the Convention, establishing a communications procedure, which would be submitted to the General Assembly for adoption. Children had the same rights as other human beings and did not deserve to be treated worse than adults. She thus hoped that the draft protocol would be adopted in its current form by the General Assembly.
24. **The Chairperson**, thanked the Committee members for placing their trust in him and undertook to discharge his new responsibilities to the best of his ability. He commended Ms. Yanghee Lee's sterling achievements at the helm of the Committee over the past four years, underlining in particular her calm strength in handling debates, her outstanding capacity for work and her excellent knowledge of the rights of the child and of the Convention.
25. After extending a welcome to the newly elected members, he pointed out that a third of the Committee had been renewed, which ought to breathe new life into it and give it a new "internal chemistry".
26. He was aware of the magnitude of the task facing the Committee, particularly with regard to the chronic delay that had built up in the consideration of reports. The situation was due to the fact that the Convention has been ratified almost universally, with 193 ratifications, while a large number of States parties had acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (143 ratifications) and to the Optional Protocol on the involvement of children in armed conflict (141 ratifications). It was therefore clear that, regardless of the outcome of the request that he would make to the Third Committee to allow the Committee on the Rights of the Child to work in parallel chambers for at least one of its annual sessions, it would have to change its working methods if it was to catch up its backlog.
27. The backlog was liable to grow even larger because, following the adoption of the third optional protocol to the Convention, giving children the possibility to bring individual complaints before the Committee, the Committee would have to write rules of procedure on the consideration of complaints from young children. Although the new procedure would ensure that the Committee could better monitor the human rights situation worldwide, it would involve extra work that would have to be done in the period between the regular sessions.
28. He feared that the golden age of children's rights — in which a host of new laws had been adopted, a range of new mechanisms established by States, access to health care and education expanded and previously hidden or hushed up problems such as violence in all its forms, armed conflicts, commercial sexual exploitation and pornography brought into the

open — was a thing of the past. Various approaches, such as the principle of “zero tolerance”, which in several countries had led to stricter laws on juvenile justice — including lowering the age of criminal responsibility and the more frequent use of detention — or the increasing hostility to which young migrants had been subjected not only in countries of the North but also in those of the South, were regressive, in his view.

29. Observing that, when financial and food crises coincided, the financial and human resources allocated to projects, programmes and strategies promoting children often faced cuts, he said that it was the Committee’s responsibility to remind States parties of their obligations under article 4 of the Convention. The Committee should also remind them of their obligation to guarantee children access to clean water, food, sanitation and energy supplies, to protect them from the dangers that climate change imposed on public health and, in general, to create conditions consistent with the right to life, survival and harmonious development.

30. Children were still too often perceived as vulnerable beings needing protection, services and assistance, and not as rights holders. It was that element that the Committee would seek to emphasize in its forthcoming general comment on the best interests of the child.

31. It was in that spirit, and with full awareness of the challenges that he had mentioned, that he had accepted the office of Chairperson of the Committee on the Rights of the Child.

### **Adoption of the agenda**

32. *The agenda was adopted.*

#### *Submission of reports by States parties (CRC/C/57/2)*

33. **Ms. Franchetti** (Secretary of the Committee) said that, as at 30 May 2011, Nauru, Tonga and Tuvalu remained the only three States parties not to have submitted their initial reports under the Convention. Saint Lucia had submitted its second to fourth periodic reports as a single document, and Rwanda and Togo had done the same with their third and fourth periodic reports. Jordan and Uzbekistan had submitted their initial reports under the two Optional Protocols and Portugal its initial report under the Optional Protocol on the involvement of children in armed conflict. In total, 141 States had ratified the Optional Protocol on the involvement of children in armed conflict and 143 the Optional Protocol on the sale of children, child prostitution and child pornography.

#### *Consideration of reports of States parties*

34. **The Chairperson** read out the timetable for the consideration of periodic reports submitted by States parties, which appeared on page 4 of the provisional agenda (CRC/C/57/1).

#### *Cooperation with other United Nations bodies, specialized agencies and other competent bodies*

35. **The Chairperson** said that, as at previous sessions, it had been necessary to limit the number of additional meetings because of the Committee’s heavy workload. The pivotal role played in the work of the Committee by United Nations agencies, especially UNICEF, and other partners of the United Nations, including NGOs operating in their own countries, national human rights institutions and the NGO Group for the Convention on the Rights of the Child, could not be overstated. He also stressed the role of children themselves within the process and welcomed the fact that the Committee had met Egyptian children during the current session.

*Methods of work of the Committee; Days of general discussion*

36. **The Chairperson** said that the Committee would address the two agenda items at a later, private, meeting. Nevertheless, given the Committee's workload, there would be no general discussion at the current session, although the Committee would shortly be discussing at the closed meeting what topic it would choose for discussion at a future session.

*General comments*

37. **The Chairperson** said that the Committee would continue with its drafting of general comments, particularly on article 3, the principle of the best interests of the child, and on article 31, the right to play, but also on the right to the highest attainable standard of health — a text that it was developing with a group of NGOs — and on harmful traditional practices, a text drawn up jointly with the Committee on the Elimination of Discrimination against Women.

*Future sessions*

38. **The Chairperson** said that the fifty-eighth session of the Committee would be held at the Palais Wilson from 19 September to 7 October 2011.

*The discussion covered in the summary record ended at 11.15 a.m.*