



Convention on the Rights of the Child

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Committee on the Rights of the Child Seventy-fourth session

Summary record (partial)* of the 2161st meeting

Held at the Palais Wilson, Geneva, on Monday, 16 January 2017, at 10 a.m.

Chair: Mr. Mezmur

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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 10.05 a.m.

Opening of the session

1. **The Chair** declared open the seventy-fourth session of the Committee on the Rights of the Child.

Statement by the representative of the Secretary-General

2. **Ms. Gilmore** (United Nations Deputy High Commissioner for Human Rights) said that it was appropriate, at the start of what promised to be a challenging year, to commend the adoption by the Committee of concluding observations on the 36 State party reports reviewed in 2016. During the previous two years, the implementation of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system had placed a heavy burden on the Committee and the staff of the Office of the United Nations High Commissioner for Human Rights (OHCHR), but it had led to a reduction in the backlog of reports from more than 80 to the current average of 40, which included 31 new reports received in 2016 under the Convention and its first two Optional Protocols.

3. With a view to meeting the requirements of General Assembly resolution 68/268, the Committee continued to adjust its working methods. It had, for instance: enforced question time limits during the interactive dialogue; adopted a shorter format for concluding observations that identified urgent measures; offered the simplified reporting procedure to a first group of States for their consideration; reintroduced the annual informal meeting with States parties; and offered States parties the opportunity to provide input on the advance versions of draft general comments.

4. The Committee had adopted two general comments in 2016: general comment No. 19 on public budgeting for the realization of children's rights; and general comment No. 20 on the implementation of the rights of the child during adolescence. They would both greatly facilitate the work of advocates throughout the world.

5. The participation of children and adolescents as panellists and participants in the highly successful Day of General Discussion on children's rights and the environment during the seventy-third session had demonstrated how effectively they could be involved in decisions and actions on prevention, response and adaptation to environmental harm. A 15-year-old environmental activist from India had highlighted the importance of children's environmental rights, noting that children were unable to learn, play or live without a clean and healthy environment, and that their lives were threatened by environmental neglect.

6. In 2016 the Committee had considered its first two cases under the Optional Protocol on a communications procedure and its first requests for possible inquiries. It had adopted the Guidelines against Intimidation or Reprisals (the San José Guidelines) in June 2016.

7. As noted by the Chair in his statement to the General Assembly, the Committee's work was demonstrably capable of exerting a positive impact on the everyday lives of children in all corners of the world. Major challenges nonetheless persisted. Although the Convention was the most widely ratified human rights treaty, States parties maintained a large number of reservations, some of which were incompatible with the object and purpose of the Convention. There had been no new ratifications of the third Optional Protocol since the previous session. Moreover, the implementation of the Committee's concluding observations was not consistent or comprehensive.

8. The Chair had also highlighted ongoing violations of children's rights in his statement to the General Assembly. The failure to fully integrate a child rights-based

approach into the planning and implementation of child health policies and programmes, and the failure to abrogate repressive laws in the field of juvenile justice, impeded progress throughout the world.

9. The worsening global migration and refugee crisis was having a devastating impact on the rights of millions of children, including their right to life, survival and development. One in every eight migrants was a child; one in every 200 children was a refugee; and 26 million children had been displaced by conflict. Images of a Rohingya boy from Myanmar lying dead in the mud and of a Syrian boy washed up on a Turkish beach provided tragic evidence of the world's failure to fulfil its obligations.

10. In August 2016, the United Nations Secretary-General had provided directives for further progress on enhancing the functioning of the treaty body system.

11. In 2017 the General Assembly would consider its position on the provision of resources for the amended 2018-2019 meeting schedule resulting from changes in the treaty body system's workload. A recalculation had been presented to the Fifth Committee based on the mathematical parameters outlined in resolution 68/268. If the General Assembly acted on that formula, it would confirm a quasi-automatic funding mechanism for the treaty body system based on the objective criteria of incoming reports and communications. The mathematical formula in resolution 68/268 had a built-in margin of meeting time to allow treaty bodies to deal with backlogs in State party reports. It stipulated, however, that the margin should drop from 15 to 5 per cent with effect from 2018. As a result of the reduction in the backlog margin and a temporary slowdown in the number of State party reports submitted in previous years, the Committee would return in the following biennium to its original meeting time of 12 weeks each year.

12. In resolution 69/157 the General Assembly had invited the Secretary-General to commission an in-depth global study on children deprived of their liberty. Manfred Nowak had been appointed to lead that study, and he had held a meeting with States in Geneva in November 2016 and would hold another meeting in New York in January 2017. A meeting on methodology would be held in Venice in March 2017. Support from Member States in the form of voluntary contributions had been inadequate to date, with the exception of Switzerland.

13. The Chair of the Committee would participate in the annual day of discussion at the thirty-fourth session of the Human Rights Council, which would focus on protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development.

14. She commended the impressive contribution to the Committee's work made by the five outgoing members of the Committee, Mr. Gurán, Mr. Nogueira Neto, Ms. Oviedo Fierro, Ms. Parsi and Ms. Shariff, and trusted that they would continue to support the implementation of the Convention.

15. Every child was entitled to human dignity. The largest generation of adolescents that the world had ever known provided an unprecedented opportunity for investment in the future and implementation of a positive agenda, and imposed a primary responsibility of protection. The sustainable development generation was concentrated in areas of great deprivation, serious violence and deep discrimination. The strategic importance of the Committee's work might therefore never have been greater than it would be during the current and forthcoming sessions.

Statement by the Chair

16. **The Chair** said that the High Commissioner for Human Rights, commenting on the forthcoming annual meeting of the World Economic Forum, had expressed deep anxiety about the state of the world, in particular the deeply disturbing increase in divisive

behaviour and policies and outright hatred, and the attacks against fundamental human rights, particularly of vulnerable persons. A similar comment could be made on the global state of children's rights.

17. In commemorating the twenty-seventh anniversary of the Convention on 20 November 2016, the Committee had joined other child rights experts in urging Governments in all regions to spare no efforts to ensure its universal implementation. The year 2016 had also marked the twentieth anniversary of the United Nations Study on the Impact of Armed Conflict on Children and the tenth anniversary of the United Nations Study on Violence against Children. The two groundbreaking studies had shown how the Convention could help shape an action-oriented policy agenda, promote policy commitments, and support tangible implementation and monitoring efforts, while mobilizing global advocacy and support for action to prevent and address serious violations of children's rights. The global study on children deprived of their liberty was a third landmark initiative. He planned to attend a meeting on the study to be held shortly in New York.

18. He was pleased to note that the annual day of discussion on the rights of the child at the thirty-fourth session of the Human Rights Council would focus on the sustainable development goals. The relevant OHCHR report emphasized the need to integrate children's rights as a core consideration in all programmes and frameworks, and to ensure that priority was accorded to the most vulnerable.

19. Some 220 million children were currently living in conflict zones, where grave breaches of human rights continued to be perpetrated. He deplored the failure to take adequate action against persons who sold and exported small arms or who played a role in extending conflicts and in violating embargoes. Political crises in the Democratic Republic of the Congo and the Gambia, natural disasters such as Hurricane Matthew in Haiti, and the situation in Myanmar had significantly undermined children's rights. Terrorist attacks, and in some cases the manner in which the so-called "war on terror" was conducted, severely violated children's rights, in particular the right to life.

20. The ongoing migration and refugee crisis had uprooted nearly 50 million children, leaving them vulnerable to violence and exploitation. The rights of all uprooted children should be fully reflected and implemented in the Global Compact for Safe, Regular and Orderly Migration and in the Global Compact on Refugees to be adopted in 2018. The New York Declaration for Refugees and Migrants included a commitment to comply with obligations under the Convention on the Rights of the Child. States should draw on the Committee's jurisprudence in that regard.

21. The Committee had issued four intersessional press statements in connection with children in Calais, on the occasion of Universal Children's Day, on the subject of breast-feeding and on International Migrants' Day. It had also issued a sessional press statement on the bombings of schools and hospitals in the Syrian Arab Republic. The current situation underscored the importance of the Committee's work.

22. He joined the Deputy High Commissioner in thanking the five Committee members who were attending their final session for their dedicated service and expressed the hope that they would continue to be involved in protecting and promoting children's rights.

Submission of reports by States parties

23. **Ms. Franchetti** (Secretary of the Committee) said that eight reports had been received since the Committee's previous session, bringing the number of reports pending consideration to 52. Lesotho, Montenegro, Mauritania, Argentina, Norway and Angola had submitted reports on the implementation of the Convention. The initial reports of Tonga and the State of Palestine were overdue. Tajikistan had submitted its initial report under the

Optional Protocol on the involvement of children in armed conflict (OPAC) and its initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC).

24. The total number of ratifications of the Convention remained at 196. Pakistan had ratified OPAC, bringing the total number of ratifications to 166. No State had acceded to or ratified OPSC, so that the total number of ratifications remained at 173. No State had signed the Optional Protocol on a communications procedure (OPIC), so that the number of signatures remained at 50. Georgia had ratified OPIC, bringing the total number of ratifications to 29.

Organization of work

25. **The Chair**, reviewing the items on the agenda, said that 12 reports from eight States parties would be considered by the Committee during the session. He welcomed the many partners who contributed to the Committee's work. Discussions would continue on follow-up to the treaty body strengthening process, particularly the simplified reporting procedure, and on OPIC. Any communications received under OPIC would be considered. The Committee would adopt its report on the Day of General Discussion on children's rights and the environment and its general comment on children in street situations. It would continue to work on a general comment on children in the context of migration, which would be issued jointly with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. It would also discuss any other matters relating to its work.

Adoption of the agenda (CRC/C/74/1)

26. *The agenda was adopted.*

The discussion covered in the summary record ended at 10.40 a.m.