



# Convention on the Rights of the Child

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

### Summary record (partial)\* of the 2817th meeting

Held at the Palais Wilson, Geneva, on Monday, 26 August 2024, at 10 a.m.

*Chair:* Ms. Skelton

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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. **Mr. Cissé-Gouro** (Office of the United Nations High Commissioner for Human Rights (OHCHR)), declaring open the Committee's ninety-seventh session, said that the work of the treaty bodies remained a high priority for the United Nations. Despite the difficult cash-flow situation, OHCHR had successfully ensured that all the treaty body sessions planned for 2024 would be held.

2. OHCHR welcomed the imminent signing of a memorandum of understanding between the Committee and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC). For many years, OHCHR had worked closely with the African Union Commission to strengthen the institutional capacity of the African Union to deal with human rights matters, including by facilitating engagement and collaboration between the human rights mechanisms of the United Nations and the African Union. A member of ACERWC had been appointed to the joint steering committee that had been tasked with preparing a plan of action for the implementation of the African Union–United Nations Joint Framework on Human Rights over the following four years.

3. At the Committee's current session, Germany, Slovenia and Child Rights Connect would host an event, in which a number of children were scheduled to participate, to celebrate the tenth anniversary of the entry into force of the Optional Protocol on a communications procedure. It was hoped that many of the Committee's partners and other relevant stakeholders would also attend. Work on the Committee's new general comment on children's rights to access to justice and effective remedies continued apace. Consultations were currently being held at the global, regional and local levels, and all partners, colleagues, children's rights activists and children themselves were encouraged to participate by sharing their expertise and experiences. The first draft of the general comment would be submitted for public consultation in 2025.

4. At their thirty-sixth annual meeting, the Chairs of the human rights treaty bodies had made progress on the harmonization of working methods and called for greater support for the treaty body strengthening process. At a well-attended meeting with Member States, the Chairs had requested further resources to enable them to implement the predictable review schedule and other key strengthening proposals.

5. At its fifty-sixth session, the Human Rights Council had adopted a resolution establishing an open-ended intergovernmental working group on an optional protocol to the Convention on the Rights of the Child on the rights to early childhood education, free pre-primary education and free secondary education. The aims of the proposed optional protocol would include making public pre-primary and secondary education available free to all and promoting greater international cooperation in matters relating to education. To simplify the reporting procedure, it was proposed that States parties should be able to incorporate all reporting on their obligations under the new optional protocol into the reports they submitted under article 44 of the Convention. Members of the Committee would be invited to attend sessions of the working group as resource persons.

6. On 20 September, during the Summit of the Future Action Days, OHCHR would co-host a thematic session on youth and governance in New York. At that session, several members of the Youth Advisory Group – which OHCHR had established to contribute to the design, implementation and follow-up of activities under the Human Rights 75 initiative – would participate in a panel discussion focusing on youth participation in national decision-making.

7. **The Chair** said that the treaty body system had faced considerable uncertainty in recent months. At meetings with the Secretary-General and Member States in June, the Chairs of the human rights treaty bodies had stressed the need for urgent measures to tackle the liquidity crisis and ensure that treaty bodies had the financial and human resources that they needed. Such action was essential given the crucial role they played in ensuring the accountability of States in respect of their international human rights obligations.

8. The Committee's need for additional resources was made all the more urgent by a global context in which the rights of children were being eroded on a massive scale. Over the previous year, tens of thousands of children had been killed in wars and many more had been injured, while millions faced malnutrition. At a time when children around the world were being denied their fundamental rights to life, survival and development, the Committee must be empowered to fulfil its mandate. Furthermore, children's civil rights were also being restricted, casting doubt over the recognition of their status as rights holders and making it increasingly difficult to protect their rights.

9. There were more than 70 reports from States parties awaiting consideration by the Committee, which would make every effort to reduce the backlog. However, each State party review was a collaborative process that involved the participation not just of the Committee but also of other United Nations agencies, civil society partners and the State party itself. In that regard, the Committee had been perturbed recently by the actions of some States parties. Ahead of the current session, representatives of Eritrea and Ecuador had asked for the consideration of their States' reports to be postponed, and representatives of Mexico and Argentina had asked for their dialogues with the Committee to be held either fully or partially online. As the Chairs of the treaty bodies had reiterated in June 2024, it was vitally important for the treaty bodies' interactive dialogues with States to be held in person. As it often met with children to hear their testimony, the Committee was also concerned that United Nations agencies and civil society partners were not permitted to request hybrid or online meetings with the Committee. The Committee would discuss those concerns further at closed meetings during the current session.

10. On a more positive note, the Committee welcomed the written submissions it had received on the subject of its new general comment on children's rights to access to justice and effective remedies. She greatly appreciated the role played by civil society organizations, the United Nations Children's Fund (UNICEF) and Committee members in ensuring that the Committee's call for submissions had resulted in a vibrant consultation process.

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

11. **The Chair** said that the Committee and ACERWC had agreed to sign a memorandum of understanding to strengthen their bilateral cooperation. The two bodies had worked together informally over a number of years, and on the most recent Day of the African Child, 16 June 2024, they had issued their first joint statement.

12. **Mr. Almeida Adão** (African Committee of Experts on the Rights and Welfare of the Child) said that the signing of the memorandum of understanding demonstrated the two bodies' collective commitment to reinforcing the protection and promotion of children's rights through enhanced collaboration and mutual support. It was a step forward in the process of harmonizing their respective work for the greater good of children across the African continent and beyond.

13. The mandate of ACERWC was established under the African Charter on the Rights and Welfare of the Child. Adopted in 1990 and brought into force in 1999, the Charter had been signed by 51 of the 55 States members of the African Union. It covered a wide range of civil, political, economic, social and cultural rights with an emphasis on issues of a particular relevance to Africa. Since its creation in 2001, ACERWC had worked to monitor and promote the implementation of the Charter, including by reviewing States parties' reports, considering communications, including individual communications from children, issuing recommendations, engaging in advocacy and capacity-building and collaborating with stakeholders. It had reviewed reports submitted by 42 States parties to the Charter. It also conducted investigations into serious and systemic issues affecting children, carried out thematic studies on emerging issues and prepared general comments to set out authoritative interpretations of the Charter.

14. ACERWC had observed several positive trends in Africa, including an increasing recognition of the importance of children's participation in matters of concern to them, the growing involvement of civil society organizations in monitoring and reporting on children's rights and the strengthening of national child protection systems. However, the prevalence of child marriage and child labour and the impact of armed conflict continued to pose significant threats to the rights and well-being of African children. Unfortunately, ACERWC lacked resources, and its efforts to conduct thorough investigations and follow up on its recommendations were hampered by a lack of cooperation from States parties to the Charter.

15. Closer collaboration with the Committee would be essential if ACERWC was to overcome those challenges. Such collaboration would entail the sharing of expertise, resources and best practices and the development of coordinated actions such as joint training, field visits and statements. Each body would be given access to the other's networks and mechanisms in order to formulate strategies, plans and recommendations to address most effectively the challenges facing children.

16. He called on the States members of the African Union to continue to engage actively with ACERWC, which had recently decided that States parties to the Charter could fulfil their reporting obligations by adapting the reports they had prepared for the Committee. He also urged civil society organizations to continue to offer their invaluable support and invited the members of the Committee to the following session of ACERWC, which would be held in Lesotho in October 2024.

17. *The Chair and Mr. Almeida Adão signed a memorandum of understanding between the Committee on the Rights of the Child and the African Committee of Experts on the Rights and Welfare of the Child.*

18. **Ms. Guerras Delgado** (Office of the United Nations High Commissioner for Human Rights) said that OHCHR welcomed the adoption of Human Rights Council resolution 56/5 establishing an intergovernmental working group to explore the possibility of drafting an optional protocol on free pre-primary and secondary education. OHCHR would act as the secretariat of the intergovernmental working group, the first session of which was scheduled to be held from 1 to 5 September 2025.

19. A panel discussion on quality education for peace and tolerance for every child would take place on 18 September 2024 at the fifty-seventh session of the Human Rights Council. A comprehensive report on the same subject would be presented to the Council in June 2025, and a call for contributions to the report would shortly be made. In accordance with Human Rights Council resolution 55/29, the High Commissioner would prepare a report on the rights of the child and violations of the human rights of children in armed conflicts. A call for contributions to that report would be made later in 2024.

20. At the Council's fifty-eighth session, to be held in March 2025, the High Commissioner would present a study on the use of digital technologies to achieve universal birth registration. An informal expert discussion on that subject had been held in May 2024. In its resolution 56/6 on the safety of the child in the digital environment, adopted in July 2024, the Council requested OHCHR to convene five regional workshops to assess the risks to the safety of the child in the digital environment and best practices to address those risks in different geographical areas. It also requested OHCHR to produce a report and organize an interactive dialogue on that subject, to take place in 2026. OHCHR and UNICEF formed part of an inter-agency team established to implement the Secretary-General's guidance note on child rights mainstreaming. Child participation across the United Nations system had been one of the main topics of discussion at the team's three meetings.

21. During the previous week, OHCHR and UNICEF Pakistan had jointly organized a two-day workshop to build the capacity of the National Commission on the Rights of the Child, the National Commission on the Status of Women and the National Commission for Human Rights. The focus of the training had been on children's rights and engagement with the international human rights system, including in relation to the Committee's forthcoming review of the combined sixth and seventh periodic reports of Pakistan. The High Commissioner's second report to be issued under Human Rights Council resolution 55/29 would focus on the integration of children's rights across the United Nations system. A call for contributions to that report would shortly be issued.

22. In partnership with civil society and academia, OHCHR was engaging in an initiative to support the implementation of the Secretary-General's guidance note on child rights mainstreaming by establishing global guidelines on child participation in global events. A two-day conference to define the global guidelines would take place at Queen's University Belfast in December 2024. OHCHR welcomed the first Global Ministerial Conference on Ending Violence against Children, which would take place in Bogotá on 7 and 8 November 2024. An online event on promising practices to address violence against children in the street, organized by OHCHR, the Special Representative of the Secretary-General on Violence against Children, the Consortium for Street Children and the University of Dundee, was scheduled to take place on 31 October 2024 in the run-up to the conference.

23. OHCHR continued to support the preparations for the 2025 World Congress on Justice with Children, which, it was hoped, would help promote the Committee's proposed general comment on children's rights to access to justice and effective remedies. The Child and Youth Rights Unit of OHCHR, together with the Education Above All Foundation, was continuing to work with young people to build their capacity in human rights through the "Youth4Yes" empowerment system. With the support of Education Above All, OHCHR was extending its network of youth officers to countries such as Colombia, the State of Palestine and South Africa. The organization of a youth rights academy was scheduled for 2025.

24. **Ms. Franchetti** (Secretary of the Committee), reading a statement on behalf of Anne Grandjean of UNICEF, said that, at the fifty-sixth session of the Human Rights Council, held in June and July 2024, children's rights had continued to be subjected to interpretations that sought to limit and undermine the standards set out in the Convention. Disagreements had arisen over children's right to participate in matters affecting them and children's agency as rights holders, including their right to health-related information and services. References to children's civil and political rights, including their rights to privacy in the digital environment and freedom of peaceful assembly, had also been challenged. As always, girls' rights had been particularly targeted. Some delegations had claimed that girls did not have sexual and reproductive rights or the right to bodily autonomy and had asked for references to girl human rights defenders to be removed from a number of draft resolutions. Drawing on a restrictive interpretation of article 5 of the Convention, some had also expressed the view that parents and legal guardians were entitled to limit their children's exercise of their rights. The delegations that had taken the contrary view had referred to the statement on article 5 of the Convention issued by the Committee in 2023 to assert that children were independent rights holders.

25. During negotiations over a Council resolution relating to the proposed optional protocol on free pre-primary and secondary education, there had been discussions on whether to include a reference to parental rights in the resolution; the concern was that the invocation of parental rights might be used to control the types of books and materials available in schools and to limit children's right to freedom of thought, conscience and religion, among other rights. While a reference to parental rights did not appear in the final resolution, the issue would surely return when the proposed optional protocol was discussed in detail in 2025. The Council had also discussed the impact of ongoing conflicts on children's rights, including war crimes and crimes against humanity in the Occupied Palestinian Territory and Afghanistan. Throughout the session, UNICEF had engaged in advocacy with member States by making statements on a variety of subjects and country situations, participating in panel discussions and side events and supporting the drafting of some key resolutions.

26. UNICEF had also supported the development of the proposed general comment on children's right to access to justice and effective remedies by issuing detailed guidance on how to conduct consultations with adults and children. It was in the process of organizing consultations on the proposed general comment with adults and children at the national and regional levels. In Latin America and the Caribbean, some 15 UNICEF offices were planning to facilitate consultations with children and adolescents, and 10 offices were planning consultations with other stakeholders. The consultations would culminate in the organization of a regional event to be held on 20 November 2024 in Panama. In early August 2024, 43 experts from 13 Latin American countries had participated in a workshop held in Chile to discuss what the Committee had received in response to its call for submissions.

27. In East Asia and the Pacific, remedies for children whose enjoyment of their rights had been affected by the business sector would be discussed during the United Nations Responsible Business and Human Rights Forum, Asia Pacific, in September 2024. UNICEF had begun making plans for its next strategic plan for the period starting in 2026.

28. **Ms. Gràcia Corberó** (Childs Right Connect) said that the Committee had more reports pending review than any other human rights treaty body. Although the liquidity crisis had hindered the Committee's ability to carry out its mandate, Childs Right Connect encouraged it and OHCHR to look for creative solutions to clearing the backlog.

29. Thanks were due to the Committee and OHCHR for helping Child Rights Connect develop its new strategic plan for 2025–2029, which had now been adopted. Over the previous two years, Child Rights Connect had been engaging with its members and partners in preparation for the Summit of the Future and A Pact for the Future. It had been very difficult to mainstream children's rights in preparations for the Summit in the face of a coordinated pushback from States. On 20 September 2024, Child Rights Connect would be co-hosting an online side event with children, members of the Committee and other partners to discuss the impact of the process on children's rights and the environment.

30. Child Rights Connect was continuing to mainstream children's rights at the Human Rights Council as member States' positions on the participation of children in matters of concern to them and the role of the family became increasingly polarized. At the Council's forthcoming session, Child Rights Connect would host a side event on the right of children to participate in public affairs.

31. Following the issuance in March 2024 of a report on child and youth defenders by the Special Rapporteur on the situation of human rights defenders, Child Rights Connect had engaged with more than 50 representatives of civil society, United Nations agencies and children with a view to developing a joint strategic vision to further advance the rights of child human rights defenders. The strategic vision would shortly be launched. Child Rights Connect was continuing to provide support to the Committee to ensure that children and civil society organizations could contribute to the development of the Committee's proposed general comment on children's right to access justice and effective remedies.

#### **Adoption of the agenda (CRC/C/97/1)**

32. **Ms. Franchetti** (Secretary of the Committee) said that eight reports had been received since the previous session, bringing the number of reports pending consideration to 74. Cabo Verde, Chad, Guinea-Bissau, the Lao People's Democratic Republic and Panama had submitted reports under the Convention. Norway, Qatar and Romania had submitted their reports using the simplified reporting procedure.

33. The number of States that had ratified the Convention, the Optional Protocol on the involvement of children in armed conflict, the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on a communications procedure – 196, 173, 178 and 52, respectively – had remained unchanged since the closure of the previous session.

34. No reports had been received under the Optional Protocol on the involvement of children in armed conflict or the Optional Protocol on the sale of children, child prostitution and child pornography since the closure of the previous session. While all initial reports due under the Convention had been received, 59 periodic reports were overdue. There were 36 overdue reports under the Optional Protocol on the involvement of children in armed conflict and 47 under the Optional Protocol on the sale of children, child prostitution and child pornography.

35. **The Chair** said that, during the session, the Committee would review the periodic reports of Argentina, Armenia, Israel, Mexico and Turkmenistan, as well as the reports submitted by Bahrain under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography. On 12 September 2024, the Committee would hold an event to commemorate the tenth anniversary of the entry into force of the Optional Protocol on a communications procedure. The Committee would discuss its methods of work and the steps to be taken in

follow-up to the treaty body strengthening process. It would also continue to discuss the preparations for the development of the proposed general comment on children's rights to access to justice and effective remedies. She took it that, if there were no other comments, Committee members wished to adopt the agenda.

36. *It was so decided.*

*The discussion covered in the summary record ended at 11.10 a.m.*