



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fifth session

SUMMARY RECORD (PARTIAL)* OF THE 936th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 23 January 2004, at 10 a.m.

Chairperson: Mr. DOEK

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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.

OTHER MATTERS

Meeting with States parties

1. The CHAIRPERSON invited the Committee to hear the comments of representatives of States parties on proposed changes in its working methods and on the United Nations study on violence against children.
2. The Committee's draft revised guidelines for periodic reporting covered all aspects involved in the processing of States parties' reports. A two-day meeting had been scheduled for the thirty-sixth in order session to give the Committee time to hold an in-depth discussion on the subject.
3. The Committee currently had a backlog of 50 State party reports, not including the more than 100 overdue second periodic reports, some 25 per cent of which had been overdue for five years or more. It was difficult to persuade State parties to submit overdue reports when the Committee did not have the capacity to consider them, at least not in the next two to three years. Moreover, the Committee's workload had increased as a result of the approximately 70 ratifications of the two Optional Protocols to the Convention, under which States parties were required to submit a separate initial report; more ratifications were expected by the end of 2004.
4. The Committee's increased membership did not facilitate the processing of reports. According to its current schedule, the Committee would meet for three four-week periods a year; the proposal to hold an extra session had been rejected. The best way to resolve the backlog was for the Committee to meet in parallel chambers, which would enable it to consider 15 or 16 reports a session, which meant that approximately 20 additional reports could be considered every year. That method would enable the Committee to clear its backlog in about two years and to consider initial reports under the Optional Protocols.
5. The Committee had agreed that the members of the two chambers should be chosen at each session on a random basis. If necessary, changes could be made in order to ensure equitable geographical representation. Each chamber would consider eight reports per session; concluding observations for all reports would be approved by the Committee in plenary session.
6. Although the introduction of a two-chamber system would have financial implications, three quarters of the extra costs would be used to process an additional 20 reports a year. No extra travel allowances for Committee members would be required because members would attend the same number of sessions each year.
7. The Committee had devised a number of ways of considering initial reports submitted under the Optional Protocols. Written correspondence would be used in the processing of most initial reports submitted under the Optional Protocol on the involvement of children in armed conflict. The regular procedure, involving a face-to-face dialogue with representatives of States parties, would be used for States parties that had recently experienced or were currently engaged

in an armed conflict, as well as for States parties to the Optional Protocol that had not ratified the Convention. States parties submitting regular periodic reports were encouraged to submit their initial report under the Optional Protocol at the same time so that the two reports could be considered together. That method had recently been used with New Zealand and had worked well.

8. A similar procedure had not been developed for initial reports submitted in accordance with the Optional Protocol on the sale of children, child prostitution and child pornography because the issues that it covered were of a complex legal nature and involved various forms of international cooperation. The Committee had agreed that such reports should be considered under the regular review process, which included a meeting between the Committee and representatives of the State party.

9. Ms. CONNORS (Representative of the Secretary-General) said that, in section II, paragraph 29, of its resolution 57/190, the General Assembly had reaffirmed its decision to request the Secretary-General to conduct an in-depth study of the question of violence against children, taking into account the outcome of the special session of the General Assembly on children and the recommendations made by the Committee on the Rights of the Child after its two days of general discussion on violence against children. On 12 February 2003, the Secretary-General had appointed Mr. Paulo Sergio Pinheiro as the independent expert to conduct the study. Mr. Pinheiro had recently chaired an expert group meeting during which a questionnaire had been developed to obtain information from Governments concerning violence against children.

10. The three lead agencies designated to support the study were the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO). A small secretariat headed by a director would be established in Geneva to support the independent expert. The secretariat and other aspects of the study, including regional consultations, would be financed through voluntary contributions and a fund-raising campaign. The director of the secretariat, Ms. Amaya Gillespie, would begin her work in February 2004. An advisory panel of non-governmental organizations (NGOs) had been established to facilitate input from the NGO community.

11. Mr. CERDA (Argentina) said that Argentina considered the two-chamber approach to be an efficient way of dealing with both the Committee's current workload and its new responsibilities. He was in favour of the method developed for considering States parties' reports under the Optional Protocols; that method could be adapted later as circumstances dictated.

12. He wished to know what contribution the Committee would make to the study on violence against children and how it currently viewed the issue of the age of criminal responsibility of children.

13. Ms. AJAMAY (Norway) said that the Norwegian Parliament had recently approved the incorporation of the Convention into Norwegian domestic law. In the event of a conflict of laws, the Convention would prevail.

14. Norway supported any necessary changes in the Committee's working methods and welcomed all efforts to reduce its large backlog. It was in favour of the proposed two-chamber system, provided that a practical solution could be found for its implementation.

15. Ms. SUNDBERG (Sweden) said that Sweden supported the Committee's efforts to improve its working methods, which included the consideration of States parties' reports on the basis of written information. She wished to know how the Committee would deal with a State party that did not provide sufficient written information. Sweden was in favour of the two-chamber approach and requested an estimate of the financial implications. The Government of Sweden was willing to provide the necessary financial or political support for the reorganization of the Committee's methods of work.

16. Ms. DEMPSTER (New Zealand) said that, although the Government of New Zealand had initially opposed the introduction of a two-chamber working method, it had finally decided to support the idea. She requested a breakdown of the additional costs involved in the introduction of the two-chamber system. The composition of the two chambers should reflect the world's various legal systems and be based on equitable geographical representation. She requested further information about how the Committee would be involved in the United Nations study on violence against children. She also requested updated information on the results of the Committee's practice of writing to State parties that had failed to meet their reporting obligations. She wished to know whether the Committee had considered revising the format of its concluding observations, which were longer and more specific than those of other committees.

17. The CHAIRPERSON said that a two-chamber system was the only way that the consideration of reports could be sustained. The reporting mechanism was vital to the progressive implementation of the Convention because the Committee's concluding observations were a stimulus for action not just by Governments themselves but also by NGOs and UNICEF.

18. In December 2003, government representatives of Lebanon, Jordan and Syria, as well as NGOs in those countries, had participated in a workshop hosted by Syria on follow-up to the Committee's recommendations. The Committee hoped to organize similar workshops in other regions. Such workshops provided an opportunity to determine how States parties were implementing the Committee's recommendations and for States parties to comment on the Committee's recommendations. Although most States parties had reacted favourably to the specific nature of the recommendations, the Committee would look carefully at the current format, length and detail of its concluding observations. The Committee anticipated that the shift in its workload towards consideration of second and third periodic reports would result in shorter and more targeted concluding observations.

19. Approximately 10 initial reports were still outstanding; the Committee hoped to have received initial reports from all States parties by the end of 2005, which would allow the Committee to focus its attention on States parties whose second periodic reports were overdue.

20. Ms. KHATTAB said that lengthy concluding observations were not a reflection of any failure on the part of a State party but a means of encouraging that State party to consider the efficacy of its implementation of the Convention. The detailed nature of the concluding observations was a positive feature that other committees should emulate.

21. Ms. SARDENBERG wished to know the nature of New Zealand's original concerns about the two-chamber working method.
22. The CHAIRPERSON said that the Committee was aware that the viability, sustainability and efficacy of the two-chamber system would need to be regularly evaluated. The stakes were higher because other human rights committees might adopt a similar solution.
23. Mr. HANSEN (Denmark) said that he supported the two-chamber approach because a two-year delay in the consideration of reports hindered the effective implementation of the Convention by States parties. He looked forward to a more detailed proposal that would include the financial implications of the two-chamber system.
24. Mr. CITARELLA said that the Committee needed to know whether the proposal for a two-chamber working method would be supported by a majority of States parties when it was considered by the Commission on Human Rights. The Committee should consider ways of funding its new working method.
25. Ms. ALUOCH said that she wished to hear the views of those who opposed the two-chamber working method.
26. Ms. DEMPSTER (New Zealand) said that New Zealand had been closely involved in the ongoing reform of the treaty-monitoring bodies, during which it had strongly advocated increased secretariat support for the treaty bodies. New Zealand's first reservation to the two-chamber approach had concerned the composition of the Committee since it was necessary to ensure that different legal systems were adequately represented. Since the introduction of a two-chamber working method would set a precedent for other committees, it was particularly important that all legal systems were reflected in both chambers.
27. New Zealand's second reservation had concerned resources: it was important that contributors to the regular budget should get value for their money. Since States parties had a right to have their reports reviewed within a reasonable time frame, the Government of New Zealand had agreed that the two-chamber working method should be tried for an interim period.
28. Mr. MNATSAKANIAN (Armenia) said that Armenia's presentation of its second periodic report to the Committee had given it an opportunity to evaluate its domestic efforts. The quality of dialogue with the Committee's international experts was therefore an important factor. He would welcome a review of the guidelines for periodic reporting in order to ensure better understanding between the State party submitting its report and the members of the Committee. The guidelines would also be useful in the review of the reporting procedure on the Optional Protocols.
29. Mr. DIXON (United Kingdom) commended the creative thinking that had gone into finding a solution to the Committee's backlog and requested further information on the financial implications of the two-chamber approach. He supported the views of the representative of New Zealand regarding the importance of equitable representation of the different legal systems. He asked what criteria the Committee would use to determine whether a country was in a situation of armed conflict.

30. Mr. OWADE (Kenya) said that he wished to know when the United Nations study on violence against children would be completed, and whether the level of voluntary contributions received was adequate.
31. Mr. WURZNER (Netherlands) said that, by virtue of its members' expertise and its willingness to examine its own working methods, the Committee was an outstanding example of how a treaty body should work. The two-chamber working method appeared to be a good way of tackling the backlog. That approach should, if possible, be funded from the regular budget.
32. The CHAIRPERSON said that, according to preliminary estimates, the additional cost of convening two chambers each session and assessing 16 periodic reports would be \$1 million. Even if the Committee did not add a second chamber, the costs of processing the additional reports would be incurred at a later date. The remaining costs would cover additional secretariat and conference services. He hoped that the Commission on Human Rights would support the two-chamber approach in its annual resolution on the Rights of the Child. He also hoped that such support would be the first stage in acquiring General Assembly approval for the two chambers. In cooperation with the Office of the United Nations High Commissioner for Human Rights, the Committee would endeavour to provide States parties with information on the two-chamber working method.
33. Guidelines for the preparation of reports submitted under the Optional Protocols to the Convention had been prepared. The Committee would provide States parties with more specific information on its methods of processing reports. If a reporting State was involved in armed conflict and the Committee required further information on the situation, questions would be included in the list of issues.
34. The definition of an armed conflict was an important question. The Committee should not limit its consideration of armed conflicts to the international standard definitions found in the Geneva Conventions. Tribal, ethnic and political conflicts should also be taken into account.
35. Ms. SARDENBURG said that armed conflict was a sensitive and political issue that must be broached with care. The Committee should be as cooperative as possible with States parties involved in armed conflicts.
36. Ms. ORTIZ said that the system of periodic reports served as a mobilizing force for the implementation of the Convention across the whole of society. The Convention could not be implemented by States alone. In order to enable organizations that dealt with children and adolescents to ensure a more comprehensive implementation of the Convention, dialogue with the Committee and familiarity with its recommendations were essential.
37. The CHAIRPERSON said that the Committee had been involved in an expert meeting on the United Nations study on violence against children, at which the independent expert had presented a concept paper on the study. The Committee hoped that, when secretariat assistance began in February 2004, the study would progress more quickly. The Committee would maintain close contact with the independent expert throughout the study. Although specific input from the Committee had not yet been arranged, he envisaged consultation on the documents prepared by the independent expert and on the questionnaire and the concept paper.

A representative set of countries should be defined. The study would cover government activities and the involvement of NGOs, academic institutions and United Nations agencies active in protecting children's rights.

38. Ms. CONNORS (Representative of the Secretary-General) said that, as yet, there were no resources for the study. The estimated cost of the study was \$4 million for a two-year period. The budget for the study covered the cost of five staff members, and NGOs were trying to raise voluntary funds for a sixth staff member. The estimated costs also covered regional consultations and output in the form of a version of the study that would be available to the general public. A breakdown of the budget was available to all States parties. Progress had been slower than expected, and the study would not be completed before the end of 2006. Regional UNICEF representatives had been encouraged to hold regional consultations, many of which had been scheduled for 2004 and 2005. The independent expert would not deal with aspects of children's rights already covered in the study on the impact of armed conflict on children but would pay attention to other aspects of children's rights. Concerted fund-raising activities would be carried out by WHO, UNICEF and the Committee on the Rights of the Child.

39. Ms. SARDENBURG said that the three Committee members from South America had taken initiatives regarding the implementation of the Committee's concluding observations in South American countries. Assistance had been given to South American countries by the Inter-American Development Bank and the Inter-American Children's Institute.

40. The CHAIRPERSON said that the Committee also had five members from Arab countries. All five members were very active in the Arab League and carried out many important activities for the implementation of the Convention in the Arabic-speaking world. Their work was an example of how a larger Committee could strengthen the implementation of the Convention at the regional level.

41. Efforts were being made to reduce the number of general comments adopted by the Committee. The Committee had adopted three general comments in 2003. The Committee wished to develop a two-year programme to identify issues related to methods of implementing the Convention and the role of any external experts involved.

The meeting rose at 11.50 a.m.