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RIGHTS OF THE CHILD

Written statement* submitted by Kindernothilfe, Help for Children in Need, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

COMMUNICATIONS IN RELATION TO THE CONVENTION ON THE RIGHTS OF THE CHILD

The Convention on the Rights of the Child (CRC) is the most comprehensive treaty on the human rights of children: it places stress on the personal, political, economic, cultural, and social rights of children. It has been ratified by all countries in the world except Somalia and the United States.

Although the CRC obliges governments to protect children from all forms of violence, millions of children continue to suffer violence and abuse: children on the street, in refugee camps and war zones, in detention, in fields and factories, at home and in schools. Children have few mechanisms for reporting violations of their rights. This needs to change. Violations that threaten the survival and security of children during armed conflict, for example, cannot wait for a routine five-year report before the Committee on the Rights of the Child, which can only issue recommendations to national governments. Additional mechanisms are needed.

The enforcement mechanisms of the CRC are weaker than those of other human rights instruments. There are five treaties in international law which contain the right of communications for individuals. According to the principles of the universality, interdependence and indivisibility of all human rights, children's rights should profit from the same standard of enforcement mechanisms that other human rights treaties provide.

There are at least ten reasons why a right of communication should be introduced as an additional monitoring instrument to the CRC:

1. As an international and independent enquiry procedure before an UN-committee, the communication procedure has an important publicity function.
2. The right of communication for individuals allows a supplementary examination of the facts by a committee of experts who are familiar with child-specific discrimination and human rights violations.
3. Introducing the right of communication for individuals would mean strengthening the protection of human rights. Human rights protection is important for international cooperation.
4. Victims can claim compensation from their state.
5. The right of communication would enhance the status of children who, as a vulnerable group in society, are in special need of protection.
6. It would strengthen the individuality and the status of the child as a person before the law (same status for state and individual)
7. The right of communication is the most far-reaching sanction possibility which the UN commissions for the implementation of human rights possesses. The standards of the UN-Convention on the Rights of the Child which are binding by international law would be enhanced by an additional monitoring instrument.
8. The statements and recommendations of the various UN-commissions in a communication case would contribute considerably to a better understanding of the content of the rights and regulations involved.
9. It would strengthen the Committee on the Rights of the Child.
10. States would make greater efforts to extend and improve their domestic monitoring facilities which would ultimately increase the chances of victims having more efficient legal protection.

During the Preparatory Committees to the General Assembly Special Session on Children in the years 2000 and 2001 the Child Rights Caucus prepared an alternative NGO draft outcome document in response to the draft outcome document "A World Fit for Children" (A/AC.256/CRP.6/Rev.4). More than 100 organizations signed this alternative text. The monitoring section of the document contains the demand to build on the monitoring system for the Convention on the Rights of the Child by introducing a right of petition for children. During the Berlin Conference "Children in Europe and Central Asia" in Berlin in May 2001 this demand was also included in the CSO Statement.

The Forum Menschenrechte, a network of German Human Rights Organizations, support the demand for a right to communication to the CRC. Recently it has been included in its midterm review of the Human Rights Policy of the Federal Government and the German Bundestag in October 2004.

KINDERNOTHILFE and the United Evangelical Mission call on the Commission to:

- Appoint an independent expert to examine the question of a draft optional protocol to the Convention on the Rights of the Child for the consideration of communications in relation to the Convention, and to submit a report to the Commission at its 62st session with a view to its consideration of possible follow-up and future actions, including the establishment of an open-ended working-group of the Commission to examine the question of a draft optional protocol to the Convention.
