



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-fourth session

SUMMARY RECORD OF THE 1227th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 1 February 2007, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.10 p.m.

MEETING WITH STATES PARTIES

1. The CHAIRPERSON said that, in 2006, the Committee had held three sessions in two chambers. It had considered 48 reports and issued the relevant concluding observations. Thanks to the two-chamber arrangement, the Committee had been able to eliminate its backlog. All reports currently awaiting consideration would be dealt with in 2007. Reports submitted after 31 January 2007 would be considered in 2008.
2. The two-chamber arrangement had not had any negative impact on the Committee's dialogue with States parties. The concluding observations had been prepared in each of the nine-member chambers and subsequently discussed and adopted by the Committee meeting in plenary session. While Conference Services had not always been able to provide translations of reports and written replies in a timely fashion, that had generally not impeded the Committee's work. If the Committee ever needed to meet in two chambers again, it should make arrangements with Conference Services and the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prevent a recurrence of such problems.
3. The Committee appreciated the support of the more than 130 States parties that had replied to the questionnaire on violence against children, and welcomed the report of the independent expert for the United Nations study on violence against children (A/61/299). While the Committee regretted that no agreement had been reached on the appointment of a special representative of the Secretary-General to monitor implementation of the independent expert's recommendations, it was pleased that the independent expert would continue his work, which would focus on follow-up. The Committee had expressed its wish to be actively involved in all follow-up activities. It was essential for the independent expert to have adequate human and financial resources to complete his report before the sixty-second session of the Assembly.
4. The Committee had not endorsed the proposal by the United Nations High Commissioner for Human Rights to establish a unified treaty body, but had suggested a more feasible alternative that addressed some of the problems relating to the operation of treaty bodies. A working group set up to discuss possible further steps in treaty body reform had met for the first time in November 2006 and had agreed on two proposals for further discussion. One proposal had been to consider the idea of establishing a unit composed of representatives of treaty bodies to harmonize and expedite the processing of complaints and communications. That proposal would be the topic of a discussion paper to be submitted to the meeting of the working group in April. The other proposal, which had been put forward not only by the Committee on the Rights of the Child but also by other treaty bodies, including the Human Rights Committee, had been to create a structure, composed of one or two representatives from each treaty body, to coordinate the activities of the treaty bodies. He would submit a discussion paper on that question to the April meeting of the working group. Although the Committee had not abandoned the idea of a unified treaty body, it believed that it was preferable first to consider how the working methods of the treaty bodies could be streamlined and harmonized and how follow-up to concluding observations could be better coordinated through regional meetings. It had also been proposed that treaty bodies should produce joint general comments and endeavour to achieve a more efficient division of labour so that different treaty bodies did not ask States parties the same questions.

5. The Committee wished to improve its relations with the Human Rights Council. It would be useful to devote one or two days of the Council's session to issues relating to the rights of the child, for example violence against children. The Council's planned universal periodic reviews would create an excellent basis for cooperation between it and the treaty bodies.
6. The representative of AUSTRALIA said that her Government greatly appreciated the regular contacts with members of the treaty bodies as part of ongoing efforts to reform and strengthen the treaty body system. She was pleased to announce that Australia had just ratified the Optional Protocols on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict.
7. In order to be more effective, the treaty bodies must focus on the most serious human rights problems. A critical goal of the reform process was to achieve a system that enabled treaty bodies to identify and respond to clear priorities.
8. The Committee had taken significant steps to improve its working methods. Other treaty bodies should consider the two-chamber arrangement as an effective way of clearing their backlogs. The Committee should consider further ways of streamlining its working methods and should provide more assistance to States parties in order to help them to meet their reporting obligations. The list of issues was very useful. Greater use should be made of core documents. The Committee should focus on issues that had emerged during the reporting period and not return to questions that had been taken up in the past unless there was a pressing need to do so.
9. Australia was considering ways of reducing the overly prescriptive manner in which States were dealt with when they appeared before the treaty bodies, particularly with regard to follow-up and the harmonization of reporting guidelines and working methods. She would be interested in knowing how NGOs were involved in the reporting process and the relative weight given to information from State and NGO sources.
10. Australia supported the High Commissioner's bold and visionary approach to a longer-term treaty body reform. The High Commissioner should continue her work with the Committee on the Rights of the Child and the other treaty bodies on the proposal to establish a unified treaty body.
11. It was important to establish a workable and effective relationship between the treaty bodies and the Human Rights Council. Although the treaty bodies and the Council must continue to operate independently, it should be borne in mind that their work coincided in a number of areas, particularly with regard to the universal periodic review. It was necessary to achieve the right balance between the ongoing work of the treaty bodies, States' implementation of their obligations and the process and outcomes of the universal periodic reviews. It was important to avoid duplication or placing an undue burden on States. The relationship between the treaty bodies and the Council should be mutually reinforcing and complementary.
12. The representative of PARAGUAY stressed the importance of the work of the Committee on the Rights of the Child for Paraguay and other countries in Latin America. He commended the Committee for its efforts to streamline its activities. The unique nature of the rights of the child was such that the Committee was perhaps even more relevant than other treaty bodies and therefore must continue to enjoy the independence it needed to carry out its work.

13. There was a need for closer relations between the Committee and the Human Rights Council. In that connection, he stressed the importance of maintaining contacts with regional groups, including the Group of Latin American and Caribbean Countries.

14. The representative of NORWAY said that the Committee had made commendable progress in improving its working methods. His Government welcomed the steps that had been taken to produce more focused reports and to increase cooperation among the treaty bodies. The treaty bodies had a crucial role to play in carrying out reforms, which should be an ongoing process. There was room for improvement in the servicing of treaty bodies, and his delegation wished to know the Committee's views concerning the proposal for a unified treaty body secretariat.

15. His Government welcomed the practice of submitting lists of issues to States parties prior to the consideration of country reports. The list of issues facilitated preparations and made it possible to provide more comprehensive replies to questions.

16. The Committee should comment on how the reform process, in particular the establishment of the universal periodic review mechanism and the reform of special procedures, might affect its work.

17. The CHAIRPERSON said that the Committee would welcome further opportunities for its members to meet with the regional groups between sessions in order to ensure prompt follow-up on its concluding observations and consider, together with Governments and NGOs, any difficulties encountered in implementing the Committee's recommendations.

18. The Committee wished to have an opportunity to consider the Human Rights Council's proposal concerning the universal periodic review mechanism. In order to prevent duplication of the work of treaty bodies and to avoid additional reporting obligations for States parties, the universal periodic review should be based on current information and focus on questions pertaining to five or six common issues identified in various treaty bodies' concluding observations. That would create a climate of cooperation between the treaty bodies and the Council.

19. Mr. KOTRANE said that the creation of a unified treaty body secretariat would contribute to better coordination and consistency among treaty bodies, which often dealt with the same issues. However, the Committee on the Rights of the Child should preserve its autonomy.

20. Mr. FILALI said that the Committee's concluding observations were sometimes repetitive. In order to facilitate the effective implementation of its recommendations, the Committee should ensure that States parties understood what was expected of them.

21. The Committee's revised guidelines regarding initial reports to be submitted by States parties under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/2) contained a section common to all treaty bodies and another section pertaining to specific treaty bodies. That enabled States parties to meet their reporting deadlines, and helped to avoid backlogs and improve coordination among treaty bodies.

22. The representative of the UNITED KINGDOM asked whether the Committee had considered introducing “focused reports”. Based on concluding observations, such reports would allow States parties to focus on key subjects from a list of issues sent to them before they began drafting their reports.
23. He requested an update on the number of reports that had been submitted under the optional protocols to the Convention.
24. The representative of INDONESIA said that her delegation was in favour of further cooperation between the Human Rights Council and the treaty bodies. She would welcome suggestions on how the work of the Council could be made more effective.
25. Ms. ORTIZ said that regional seminars enabled neighbouring States to interact with each other and exchange information about their experiences and common problems in implementing the Convention, and enabled developing countries to disseminate the Convention’s global perspective on children’s rights.
26. Mr. LIWSKI said that, since periodic reports reflected the progress made by a State party in implementing the Convention since the previous reporting period, their length could easily be reduced under a new integrated reporting system. An integrated approach to reporting would also facilitate the formulation of national action plans, strategies and policies based on the recommendations of treaty bodies. That could help to ensure that the Committee’s recommendations were implemented at the national level. In order to improve the quality of reporting, it was essential to involve civil society organizations in the preparation of reports.
27. Ms. SMITH said that, in drafting its concluding observations, the Committee should adopt a more focused approach and should not reiterate concerns that had been raised previously and on which no progress had been made.
28. Ms. VUCKOVIC-SAHOVIC said that the most recent State party to ratify the Convention had been Montenegro, which brought the total number of States parties to 193. The number of ratifications of the optional protocols was growing steadily: 118 States had ratified the Optional Protocol on the involvement of children in armed conflict and 117 States had ratified the Optional Protocol on the sale of children, child prostitution and child pornography. While the Committee would follow its usual procedure when considering initial reports of States parties under the Optional Protocol on the sale of children, child prostitution and child pornography, it would make use of technical reviews for States parties submitting initial reports under the Optional Protocol on the involvement of children in armed conflict. Subsequent periodic reports under the optional protocols would be considered together with the State party’s periodic report under the Convention.
29. The CHAIRPERSON said that the optional protocols served to strengthen specific provisions of the Convention. For that reason, States that had not done so should ratify the optional protocols as soon as possible. In order to provide full protection for children, the Optional Protocol on the sale of children, child prostitution and child pornography had an extensive set of provisions on extraterritorial jurisdiction and extradition. Since the Optional Protocol on the involvement of children in armed conflict did not contain such

provisions, the Committee encouraged States parties to consider incorporating into their domestic legislation provisions allowing extraterritorial jurisdiction for the offences enumerated in the Optional Protocol. Under the Rome Statute of the International Criminal Court, the recruitment of children under 15 was a war crime and called for the application of universal extraterritorial jurisdiction.

30. Many States parties were overdue in submitting their reports under the optional protocols and should submit them as soon as possible. It was commendable that nearly all States parties had submitted initial reports under the Convention. That unprecedented situation had been due largely to the efforts of the United Nations Children's Fund (UNICEF), which frequently provided States parties with technical assistance in preparing their reports.

31. The revised general guidelines regarding the form and content of periodic reports instructed States parties to focus their reports on follow-up to the Committee's recommendations and on all relevant developments in the State party. The Committee should focus on the areas in which it wished to receive information by instructing States parties to concentrate their efforts on those areas. The Committee should draw the attention of States parties to recommendations that had not been followed up adequately.

32. Practical measures should be taken to ensure greater consultation between the treaty bodies and the Human Rights Council. The idea of a unified standing treaty body was ambitious and posed a number of technical and legal problems. Much could be achieved by finding better ways to coordinate the activities of the existing treaty bodies. While the establishment of a unified complaints mechanism seemed feasible, a single secretariat for all treaty bodies would be difficult to manage.

33. Ms. LEE said that the general comments often mentioned in the Committee's concluding observations were available on the OHCHR website. In its concluding observations, the Committee frequently referred to the observations of other treaty bodies, and there was a great deal of potential for harmonizing the work of the existing treaty bodies. The fact that the Committee would consider second periodic reports under the optional protocols at the same time as periodic reports under the Convention would alleviate some of the reporting obligations for States parties. The Committee was open to the possibility of revising its reporting guidelines.

34. The CHAIRPERSON thanked the representatives of the States parties for their participation. He was one of the members who would not be returning when the Committee convened its next session. He had served as Chairperson of the Committee for eight years in what had been a demanding but very rewarding experience. One of the most positive aspects of his term as Chairperson had been the high level of interest and commitment shown by States parties in addressing children's issues.

35. It was important to make the prevention of violence against children a top priority, since all the other rights under the Convention could not be enjoyed if children were subjected to violence. The Committee was relying on the States parties' continued support, interest and willingness to assist it in ensuring those rights.

The meeting rose at 4.50 p.m.