



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-sixth session

SUMMARY RECORD (PARTIAL)* OF THE 1265th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 21 September 2007, at 4.55 p.m.

Chairperson: Ms. LEE

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* No summary record was prepared for the rest of the meeting.

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The discussion covered in the summary record began at 4.55 p.m.

DAY OF GENERAL DISCUSSION (agenda item 7) (continued)

“Resources for the Rights of the Child - Responsibility of States”, Investments for the Implementation of Economic, Social and Cultural Rights of Children and International Cooperation (article 4 of the Convention on the Rights of the Child)

1. The CHAIRPERSON invited the rapporteurs of the day's two working groups to summarize the discussions that had been held.
2. Mr. KOTRANE, Rapporteur for the working group on the use of resources to the maximum extent, said that the discussions on resources for the rights of the child had focused on the nature and scope of States parties' obligation, under article 4 of the Convention on the Rights of the Child, to undertake adequate measures to the maximum extent of their available resources with regard to the implementation of the economic, social and cultural rights of children. Although the discussion had been limited to economic, social and cultural rights, several participants had stressed the indissociable nature of children's rights, recalling that the allocation and use of adequate resources for children could also affect the enjoyment of some of their political and civic rights, such as the right to identity and to family protection. Children's needs could be met more effectively if children remained within the family unit, and particularly if resources were allocated to the mother.
3. The following issues had been discussed: the use of parameters or indicators to assess whether measures had been undertaken to the maximum extent of available resources; which measures should be taken to fight against the waste or inadequate use of available resources and foster their rational and effective use; and monitoring, coordinating and accountability mechanisms to ensure the adequate use of available resources at the national and international levels by Member States. Other points had included the need for States to be fully aware of their responsibilities under the Convention on the Rights of the Child; principles and priorities guiding the use of available resources for children and the vital role of international cooperation between States, international organizations and non-governmental organizations (NGOs). The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights and the general comments of the Committee on Economic, Social and Cultural Rights had also been raised in connection with the issue.
4. States had a duty to respect, protect and implement all economic, social and cultural rights outlined in the Convention. The obligation to respect meant that States should not thwart children's enjoyment of economic, social and cultural rights, which in turn bound States to ensure the fair allocation and use of available resources. The obligation to protect meant that States were obliged to prevent all violations of children's rights by third parties by implementing adequate measures such as mechanisms of control and monitoring aimed at fighting corruption, poor governance and embezzlement of funds earmarked for children's needs. Such measures included legislation enabling the initiation of appropriate legal proceedings to sanction the inadequate use of available resources for children, especially at the national level. India, South Africa and the United States of America were countries where such mechanisms were

lacking. Most importantly, however, it was necessary to enact the appropriate legislative, administrative, judicial and budgetary measures to ensure the full enjoyment of economic, social and cultural rights and the adequate use of available resources for children.

5. A clear consensus had emerged to the effect that, upon the Convention's entry into force, all States parties should act swiftly to fulfil their obligations under article 4. Even if resources were lacking, all States had to ensure the broadest possible enjoyment of children's economic, social and cultural rights, especially those of the most vulnerable groups of children. States must ensure that budgetary and resource decisions were taken without discrimination. To achieve those objectives, States could not act alone. They had an obligation to cooperate with other parties in promoting the rights recognized in the Convention. International financial institutions and NGOs also had a key role to play in international cooperation and in ensuring respect for children's economic, social and cultural rights.

6. Structural adjustments instituted by international financial institutions should not adversely affect the enjoyment of children's economic, social and cultural rights. States that benefited from or provided financial assistance should ensure that a major share of such funds were devoted to establishing conditions that would allow the largest number of children to enjoy the rights outlined in the Convention. NGOs should incorporate into their programmes issues relating to resources allocated to the enjoyment of economic, social and cultural rights, and cooperate with other international bodies to ensure that they were used fairly. Deeper reflection was needed on the establishment of indicators to measure States' compliance with their obligations relating to the economic, social and cultural rights of children.

7. The Committee on the Rights of the Child should cooperate with the Committee on Economic, Social and Cultural Rights with a view to producing a general comment aimed at helping State parties to meet their obligations under the Convention of the Rights of the Child.

8. Ms. SMITH, Rapporteur for the working group on available resources and their allocation to children, said that Ms. Gibbons, Chief, Global Policy Section, UNICEF Division of Policy and Planning, and Ms. Abdellatif, Professor of Economics at Cairo University, had given interesting presentations on the fundamental principles relating to the allocation of resources. They had also provided a country-specific perspective that was essential to understanding the reality on the ground. Many examples of different countries' approaches to the issue had been given during the discussions, the main theme being budget allocations for children's needs.

9. Most participants had spoken of the need for internal and external transparency in the budget allocation process. Internal transparency referred to the sharing of information within government, within each ministry, between ministries and between parliament and the ministries. In particular, revenue and expenditure information should be made readily available to all government bodies. External transparency had to do with opening up the budget allocation process to the public, including civil society, and to the international community, and providing information on budget choices. The budget allocation process should be child-friendly. Reports that children could easily read and understand should be made available and children should be provided with social and financial tools in order to facilitate their participation in that process. A "whole budget" perspective, or holistic approach to resource allocation decisions was key, and governments should provide the Committee on the Rights of the Child with adequate information on their public spending, with figures based on the total budget.

10. The notion of opportunity cost in budget allocation was another important factor. One participant had pointed out that the opportunity cost of investing in the military sector was very telling, as it indicated how much spending was earmarked for the military instead of children. Some participants highlighted the need to focus on respect and protection, rather than fulfilment, within the framework of international cooperation. Participants agreed on the important role of the Finance Ministry, which should have a representative in the State delegation that appeared before the Committee on the Rights of the Child. Budget allocation should be discussed not only at the national level, but at the local level as well, as had been pointed out by the Swiss delegation. The allocation of social services often took place at the community level.

11. States should look closely at ways of fulfilling their obligations under article 4 of the Convention, without necessarily relying on external support. Canada had provided a good example of how to achieve budgetary transparency through annual child reporting coupled with the publication of child-well-being indicators every two years to show where funds were being allocated.

12. Political will was a vital ingredient in the budget process, for without it, nothing could be achieved. With the necessary input from NGOs and civil society, the political will of government, parliament and all stakeholders in resource allocation could be strengthened. Several participants had stressed the need for a strong minister for children's affairs to ensure that there were no gaps in cooperation between government ministries dealing with children's issues. It was important to increase the tax base and stamp out corruption so as to provide ampler resources for children, which were sorely lacking.

13. The CHAIRPERSON invited the representative of the NGO Latin American and Caribbean Network for the Defence of the Rights of Children and Adolescents (REDLAMYC), to introduce the video recording sponsored by his organization.

14. Mr. FREYRE (Latin American and Caribbean Network for the Defence of the Rights of Children and Adolescents (REDLAMYC)) said that in-depth analyses of participatory approaches that involved children in public planning and budget preparation had been carried out in schools and communities in each of the countries comprising the network. As a result of the discussions, and on behalf of the thousands of young people who had taken part in them, the two 16-year-olds from Peru who would appear in the video had prepared a number of recommendations to the Committee, which included: that the main documents produced by the Committee should be translated and drafted in a child-friendly format; that in government budgetary allocations, priority should be given to children's rights; that children should participate fully in the budget preparation process and that such participation should be the subject of awareness-raising among civil servants; and that school curricula should provide children and young people with the information and skills they needed to participate effectively in budget-related activities. Children were citizens and social actors with rights and duties; they should therefore have a say in the manner in which resources were allocated for their benefit. He urged the Committee to consider the recommendations put forward by the young people and to continue to support young people's participation in all forums where matters of concern to them were decided.

A video recording was projected.

15. Mr. LIWSKI, former Vice-Chairperson and Rapporteur for the Day of General Discussion, presenting the concluding comments, said that the excellent level of participation and the substantive content of the presentations made on the subject of resources for the rights of the child signalled the emergence of a new area of debate that gave fresh impetus to the implementation of children's rights. It was clear from the video message presented by the young partners in Peru that the interpretation of article 12 of the Convention, which guaranteed the right for children to express their views and to have them taken into account, was maturing and developing, much like the Convention itself, which in November of 2007 would celebrate the eighteenth anniversary of its adoption. A parallel could be drawn between the coming of age of the Convention and the steady progress being made in the development of that right, which was assuming its place in the general institutional hierarchy. It was essential to treat the exercise of that right with great respect and to ensure that its expression was based on ethical values.

16. Recognition should be given to the fact that civil society had helped to draw attention to the need for monitoring States' fulfilment of their obligations under article 4 of the Convention, which dealt with the implementation of children's economic, social and cultural rights. New mechanisms to monitor realization of those obligations were needed, and the Committee's capacity to generate recommendations aimed at better achieving them, including in the area of international cooperation, should be strengthened. It was clear from the discussions that a holistic approach, highlighting the universality and indivisibility of economic, social and cultural rights, was necessary in order to link the obligations conferred by article 4 to all the other articles of the Convention. It was important to note that the progressive realization of economic, social and cultural rights did not mean that States parties were entitled to postpone action in favour of their implementation. The discussion had revealed that among the areas requiring further efforts by States parties were: the need for resource allocation to be backed by legislation in order to ensure that allocated resources were not diverted; the need for public budgets to be coordinated with national action plans for children; and the need for national action plans for children, in turn, to be coordinated with other related strategies, such as poverty reduction schemes. The promotion of citizen participation, including that of children and children's organizations, should be regarded as an important aspect of public policy at both the design and evaluation stages. In that connection, the Committee's guiding principles should be followed at the highest institutional level in order to facilitate coordination at all other levels. The guiding principles should also be followed in States' budget allocation preparations and in the negotiation processes carried out between multilateral credit institutions and States in order to ensure that the financial mechanisms established were compatible with States' action plans for children and the rights-based approach underpinning such plans. The Committee's days of general discussion had historically served to usher in a new phase in the implementation of the Convention. In the present case, that new phase could be summed up by the idea that the allocation of sufficient resources for the rights of the child would guarantee the realization of such rights for all children and offer new hope for children everywhere.

17. The CHAIRPERSON thanked the participants for their interest in the Committee's day of general discussion and welcomed the genuinely constructive exchange of views that had characterized the working groups' discussions. She challenged participants to reflect on how the Committee could ensure that children's rights were given priority in terms of budget allocations and resources at a time when the populations of many societies were aging, thereby requiring

greater, not fewer, resources for their needs. The slogan “nothing about us without us”, which had been used in connection with the rights of persons with disabilities, was equally applicable to children’s rights, particularly in the area of budget allocation preparation. The outcome of the meeting would provide the basis for the Committee’s recommendations, which would be formulated with a view to the eventual preparation of a general comment on the subject of resources for the rights of the child.

The meeting rose at 6 p.m.