



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-ninth session

Summary record of the 2019th meeting*

Held at the Palais des Nations, Geneva, on Wednesday, 3 June 2015, at 10 a.m.

Chairperson: Mr. Mezmur

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* No summary records were issued for the 2008th to 2018th meetings.

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The meeting was called to order at 10.05 a.m.

Other matters

Seventh informal meeting with States

1. **The Chairperson** said that States parties to the Convention were clearly the main stakeholders when it came to implementing the Convention, engaging with the Committee and taking forward its concluding observations. It had therefore been decided to hold the current informal meeting so that the Committee could hear the views of States and update them on recent developments concerning the Committee's work. Three colleagues would introduce the items on the previously circulated agenda: Ms. Sandberg would brief the State representatives about new working methods proposed in the context of the treaty body strengthening process; Ms. Aldoseri would speak about the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; and Ms. Winter would discuss issues relating to the Committee's concluding observations.
2. **Ms. Sandberg** (Rapporteur) said that the Committee had welcomed General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system. As a result, the Committee had been granted additional meeting time and had met in dual chambers during the current session, which had enabled the backlog of reports submitted for consideration to be reduced from 79 in October 2014 to 57 currently. Under the resolution, the treaty bodies were encouraged to adopt a simplified reporting procedure whereby States would be sent a list of issues prior to reporting. The Committee would begin offering that option to States parties in 2016, which should make it easier for them to fulfil their reporting obligations.
3. The Committee was making great efforts to limit the number of questions posed by Committee members during the dialogues with States parties. The approach previously adopted had involved the establishment of task forces consisting of four or five Committee members for each report. Only the members of the relevant task force could pose questions during the dialogue with the State concerned. Follow-up questions by members were still allowed, but the Chairperson had set a time limit of one minute for such questions. The Committee had also decided to shorten its concluding observations by 20 per cent by the end of 2015, and it was discussing ways of making those observations more focused and concrete.
4. The treaty bodies were working to harmonize consultation processes for the adoption of general comments, and the subject would be further discussed at the annual Meeting of Chairpersons of the Human Rights Treaty Bodies in June 2015. The draft of the general comment on public spending that the Committee was currently developing would be shared with States parties.
5. **Ms. Aldoseri** (Vice-Chairperson) said that 17 States had so far ratified the Optional Protocol on a communications procedure, which had entered into force in April 2014, and another 37 had signed it. The Optional Protocol enabled children to bring complaints about violations of their rights directly to the Committee if they had not found a solution at the national level. Ratification of the Optional Protocol reinforced States parties' commitment to children's rights and encouraged States to establish domestic complaints mechanisms. Complaints were admissible only if the violation had occurred when the person was under 18 years of age and after the Optional Protocol had entered into force for the State in question, and if the complaint had been submitted within one year after domestic remedies had been exhausted. Complaints could be submitted by an individual child or group of children or by someone else acting on their behalf and with their consent.
6. The Committee would take all appropriate measures to ensure that the child had not been subjected to manipulation or placed under undue pressure to submit the complaint and

it might choose not to consider communication if it deemed it to be in the child's best interests. Once accepted by the Committee, complaints would be sent to the relevant State, along with a request for a written explanation, within six months of receipt of the complaint. The Committee could also ask the child or the State for additional information and might decide to hold an oral hearing. At the end of the process, the Committee would issue its Views on the communication. While not binding, the Committee expected the State concerned to follow up on those Views. She urged the delegations present to encourage their States to ratify the Optional Protocol so as to facilitate the protection and realization of children's rights.

7. **Ms. Winter** (Vice-Chairperson) said that the Committee faced great challenges with respect to streamlining its concluding observations. The length of its concluding observations and the number of its recommendations were partly explained by the fact that the Convention contained more articles than other human rights treaties. The Committee would welcome input from States about the feasibility of certain options under consideration. For example, was it necessary to address each article individually, or could the Committee instead focus on the issues that posed a real problem in the country concerned? She wondered whether States would perceive such treatment as unfair. The Committee was also considering adding an executive summary at the beginning of its concluding observations to highlight the main problems. The current format of concluding observations often resulted in lengthy documents, as each concern was restated when making the relevant recommendation. She wished to know whether States would accept a more straightforward wording, in an effort to reduce the word count. As situations evolved, the language used to discuss the situation also needed to change. Consistency with past practice was not a good enough reason to refrain from innovation.

8. The use of dual chambers was not without its problems, as it created a huge amount of extra work for the Committee. Concluding observations had to be adopted twice, once in the relevant chamber and once in plenary meeting, which was time-consuming. The Committee would welcome the States' views on the matter.

9. **The Chairperson** said that the States that had either signed or ratified the Optional Protocol on a communications procedure represented a broad spectrum of geographical regions. He invited the delegations to ask any questions that they might have about the issues raised and to share their views about aspects where there was room for improvement.

10. **Ms. Zolotova** (Russian Federation) asked when the Committee expected to clear its backlog of reports. Her Government was concerned that the use of dual chambers and task forces might have a negative effect on the Committee's impartiality and collegiate decision-making. It wondered how States parties would view the Committee's concluding observations when only a small number of Committee members had participated in the dialogue.

11. Her Government's experience with the simplified reporting procedure when reporting to the Committee against Torture had been negative, as it had received a huge number of questions that it had been expected to answer in documents with a short word limit. She was doubtful about the feasibility of using the procedure to report on the Convention and its Optional Protocols. She asked the Committee to consider allocating more time for each dialogue with a State party, as six hours was insufficient to discuss the implementation of both the Convention and its Optional Protocols.

12. She agreed that the Committee's concluding observations were too long and welcomed the suggestions on ways to restructure them. It was her impression that the interactive dialogue did not have any impact on the concluding observations; all the issues raised during the dialogue seemed to be raised again in the concluding observations, irrespective of States parties' efforts to clarify the situation. The measures mentioned in the

section on positive aspects were always limited to legislative measures. She agreed that the current format of concluding observations resulted in a great deal of superfluous language. She did not believe that every observation should automatically be followed by a recommendation. She asked whether States parties would have the opportunity to give their opinion on the draft general comment currently being developed and, if so, whether those opinions would be taken into account.

13. **Mr. Chekole** (Ethiopia) said that his Government considered the new working methods proposed under the treaty body strengthening process to be optional rather than mandatory. The Committee's review of a State party should be based on that State's report; shadow reports could be misleading if used as a primary source of information. Concluding observations should be specific, brief and to the point so that follow-up action could be more easily undertaken. The wording used in concluding observations should match that used in the Convention. Informal meetings between States and the Committee should be held more frequently so that States could provide useful feedback to the Committee. It was important that dialogues with States parties should involve Committee members with a high level of expertise. He believed that Ethiopia had benefited from being reviewed by the Committee as a whole, and reviews in dual chambers could raise questions about equal treatment.

14. **Ms. Thallinger** (Austria) commended the Committee on its efforts to innovate and to enhance its working methods. The elaboration of the joint general comment/general recommendation on harmful practices in conjunction with the Committee on the Elimination of Discrimination against Women was an example of best practice in creating synergies between treaty bodies. As recommended by the Committee following its consideration of her country's periodic report of 2012, Austria had recently withdrawn all its reservations to the Convention. Noting that Austria was a signatory to the third Optional Protocol to the Convention, she asked how the Committee planned to report to States on its implementation. She said she would also be interested to know whether the Committee had already selected a topic for the next day of general discussion.

15. **Ms. Saleem** (Pakistan) said that she wished to know what criteria were used in the formation of the country task forces. With regard to the simplified reporting procedure, she wondered whether States parties that followed the procedure were expected to report on both the list of issues and the Committee's previous recommendations. She asked whether there had already been discussions within the Committee and with the other treaty bodies as to the number of questions that should be included in the lists of issues so as to ensure that a standard procedure was applied. While the introduction of shorter concluding observations would be welcome, it was important to ensure that the documents continued to reflect all necessary aspects and were expressed in such a way that the States parties were able to fully understand and respond to the Committee's concerns.

16. **Ms. Khan** (Fiji) said that her country's interactive dialogue with the Committee in 2014 had been a constructive exercise and some of the Committee's recommendations were already reflected in legislative changes. However, Pacific island delegations faced a number of practical challenges, foremost among them the distance to Geneva and the need to send a balanced delegation, which was a very expensive undertaking. The Fijian delegation regretted that more time had not been available to pursue the interactive dialogue with the Committee. Consideration might be given to helping delegations with little reporting experience to prepare for the exchange. The regional office of the Office of the United Nations High Commissioner for Human Rights might explore the possibility of organizing mock sessions in the national capital prior to the dialogue with the Committee.

17. **Mr. Bougacha** (Tunisia) said that the Committee should resist the tendency to base its findings on comparisons between States parties when it came to drafting its concluding observations. The situation of children's rights in a given country should be evaluated

solely in terms of compliance with the Convention or the optional protocols. The Committee should focus on the main problems facing a particular country, with the essential aim of identifying solutions in the best interests of the children concerned.

18. **Mr. Valencia Muñoz** (Colombia) said that his country's interactive dialogue with the Committee in January 2015 had been a generally positive experience. In addition to having more time for the interactive dialogue with the Committee, it would also be helpful for delegations to have more time between the two meetings to prepare their responses to the Committee members' questions. As matters stood, compiling all of the necessary information and consulting with colleagues in the capital overnight was very challenging. It was important for the Committee to refer to the positive aspects as well as the continuing challenges in its concluding observations, as States parties could learn from, and be motivated by, the good practice of other countries. In order for the whole reporting process to have a real impact on children's rights on the ground, it was important to ensure that the Committee's recommendations were implemented effectively. Awareness-raising sessions for the relevant authorities on the concluding observations could be very useful in that regard, particularly if they involved Committee members, as had recently been the case in Colombia.

19. **Ms. Peldon** (Bhutan) said that she would welcome clarification as to how far in advance the lists of issues would be sent out to States parties under the simplified reporting procedure and on what basis they would be drawn up by the Committee. She welcomed the decision to reduce the length of the concluding observations.

20. **Ms. Sandberg** said that by working in dual chambers the Committee was able to consider between 6 and 10 additional reports at each session. At the current rate of work, it was hoped that the backlog might be cleared within three to four years, although new reports were continually being submitted. In deciding on the composition of the task forces, the Committee focused on geographical distribution by including one member from the region of the State party, as well as, professional backgrounds. The fact that members who were not part of the task force still read the reports and had the opportunity to ask the delegation questions ensured a richer dialogue. Now that the Committee was working in dual chambers, it was not possible to apply the task force system very strictly, given the smaller numbers in each chamber, but there were usually two to three country rapporteurs for each State party.

21. **Ms. Aldoseri** said that the Committee had set up a small working group to develop procedures on working methods in relation to the third optional protocol. In accordance with article 16 of the optional protocol, the Committee would include a summary of its related activities in its annual report to the General Assembly.

22. **Ms. Winter** recalled that, under the Optional Protocol on a communications procedure, the Committee was mandated to have regard for the views of the child and should accordingly develop special working methods that took account of children's level of understanding and ways of expressing themselves. For example, it was necessary to issue child-friendly booklets on the provisions of the Optional Protocol. With regard to the dialogue between the Committee and the States parties, it was difficult to balance the wish for shorter meetings with the desire to provide more time for delegations to give their replies.

23. When it came to drafting the concluding observations, the Committee reflected all of the additional information that had been provided during the dialogue. However, some delegations were not in a position to provide all the necessary replies during the dialogue and by the time they had consulted with colleagues in the capital it was too late for the information to be taken into account in the concluding observations.

24. In response to a number of issues raised, she said that States parties were never evaluated in relation to other States parties but on the basis of the Convention and the optional protocols. Given that the problems varied from country to country, the Committee wondered whether it needed to address each article of the Convention with each State party even where it was clear that a State party did not have any problem with the article concerned. There was a consensus that the concluding observations should be shortened, but it was not yet clear how that should be done. One possibility might be to mention all of the positive aspects in the introduction rather than taking them up individually under each article, but that might not meet with the approval of all States parties.

25. Although it might be possible to reorganize the meeting schedule to allow delegations an extra day to prepare their responses, such an approach would involve extra costs, since the delegations would have to stay longer in Geneva. One solution to the problem of distance and expense might be to conduct the interactive dialogue via Skype, as had recently been successfully done with one State party.

26. **Mr. Kotrane** commended Austria on having withdrawn its reservations to the Convention and welcomed the general progress being made in that area as a result of the dialogue between the Committee and States parties. Concerning the inclusion of positive elements in the concluding observations, the Committee mentioned such elements not only in the introductory section in relation to laws or mechanisms but also under each of the thematic parts before going on to express its concerns and make recommendations. In addition to taking account of geographical distribution, efforts were made to ensure gender balance in the task forces. In relation to follow-up on the Committee's concluding observations, regional meetings were indeed useful and the Committee was trying to innovate and take advantage of new communications technology to engage more with States parties, civil society and children themselves.

27. **Mr. Cardona Llorens**, agreeing that the time available for the interactive dialogue always seemed too short, recalled that the decision had been by the General Assembly and not the Committee. In the past, both the meetings of the State party with the Committee had taken place on the same day; now delegations had a night in between meetings to prepare their replies and it was difficult to think of a better solution. The Committee was often forced to interrupt delegations as the information they were providing did not respond to the members' questions or information contained in the report was simply being repeated. Given that many States parties had a dialogue with the Committee only every 10 years, it was important to ensure that the concluding observations addressed not only current problems but also issues that should be addressed between reporting exercises. The Committee welcomed the information provided regarding the simplified reporting procedure and would use it to help guide its future work. States parties would be given the opportunity in due course to make comments on the first draft of the general comment on public spending.

28. **Mr. Gurán** said that he encouraged States parties to ensure that general comments and other important documents emanating from the Committee were translated, because, in his experience, many people remained unaware of them.

29. The fact that a State party did not have an effective national mechanism for dealing with complaints was not a valid reason for failing to ratify the third Optional Protocol on a communications procedure. States parties should be encouraged to ratify the Optional Protocol and, in parallel, to create a specialized ombudsman's office for children or a national human rights institution.

30. **Ms. Oviedo Fierro** said that the comments of the States parties would help the Committee in its process of change, as many of the points raised concerned issues the Committee itself was examining. Many were very obvious, such as the importance of

framing recommendations in a language adapted to the persons who would be implementing them. Others would help the Committee in its own discussions, such as the issue of prioritization.

31. The Committee was concerned about a lack of information on follow-up to recommendations, and a draft proposal to help countries was being prepared in collaboration with the Inter-American Children's Institute. Visits to States parties by members of the Committee would be undertaken to help disseminate the recommendations. A visit to Mexico in 2014 had proved very successful in that regard.

32. **Mr. Madi** said that the Committee and States parties were not on opposite sides: they shared a common goal, which was to promote and protect the rights of children. The role of the Committee was not to criticize but to facilitate the implementation of the Convention. Most of the time, the Committee received combined reports from States parties covering periods of as long as 12 years. The longer the period they had to assess, the more difficult the Committee members found their work. He hoped that, in future, States parties would adhere to the rule of submitting reports every five years.

33. **Ms. Khazova** said that the concerns raised by States parties reflected those of the Committee, with regard to the issue of impartiality which was taken very seriously as it was crucial to the effectiveness of the Committee's work. She was satisfied that the appointment of a task force did not preclude the participation of other Committee members. In fact, it helped to focus dialogue and make it more effective. The double-chamber system had been designed to manage the backlog and would not be a permanent arrangement. Under that set-up, draft concluding observations were prepared by the members who had been present at the dialogue with the State party and then went before the plenary where the opinions of members who had not been present were given precedence. The Committee as a whole discussed concluding observations very fully and the final version reflected the views of all members.

34. **Mr. Nelson** said that States parties could be assured that Committee members read the reports very thoroughly. However, not all members' questions could be answered due to time constraints. One of the advantages of the double-chamber system was that, with fewer members present, each had the chance to put more questions to the State party. Certain jurisdictions faced very real practical and financial problems in reporting to the Committee, due to their remoteness or lack of experience. Those problems could be overcome through the use of videoconferencing and organization of mock sessions.

35. **Ms. Ayoubi Idrissi** said that the Committee was concerned to make its concluding observations more concise and comprehensible. States parties should, in their turn, ensure that the concluding observations were more accessible to children by making them available in different languages and formats.

36. **Ms. Aho Assouma** wondered whether the Committee could form a full picture of the situation in a particular country, if it took account only of primary sources such as the State party's report. States parties should inform their delegations that dialogue with the Committee was not a contest but that both sides shared the same interests.

37. **The Chairperson** said that the division into double chambers was a complex process in which account was taken of the language, experience, origin, expertise and preferences of members. The decision to appoint a task force rather than rapporteurs depended on the amount of written material that needed to be studied. Any member could submit questions to the task force so they would be raised, even if the member concerned did not take the floor personally. It was preferable to schedule the first dialogue with a State party for the afternoon of one day and the second dialogue for the morning of the following day. Efforts were being made to extend this regime to all States parties but it was not always possible to do so.

38. The Committee and other treaty bodies had experience of conducting meetings with States parties by videoconference. Webcasts of meetings were archived online and available for delegates to study so as to gain an idea of how the dialogue with the Committee was conducted.

39. The Committee was very keen to clear its backlog of reports but it also had many other activities which, with the coming into force of the third optional protocol, were expected to increase. The Committee was due to meet to consider its simplified reporting procedure, which it intended to offer to a limited number of countries as a pilot project. It would be an opt-in system so States parties that did not wish to follow it could still use the established procedure. General Assembly resolution 68/268 concerning word limits for reporting would also apply to reports submitted to the Committee.

40. **Ms. Sandberg** said that the intention of the Committee under the simplified reporting procedure was to provide States parties with just one list of issues prior to reporting. Once a State party had opted into the procedure, the Committee could prepare the list of issues on the basis of secondary sources and the previous concluding observations. The State would then be given a year or 18 months to submit its report. Allowing time for translation and for pre-sessional meetings with NGOs, the interactive dialogue could take place a few months after that.

41. **Mr. Chekole** (Ethiopia) said that the Committee's recommendations should be based upon the country report. If they were based on a secondary source such as shadow reports, it might prove difficult to follow up on the recommendations on the ground.

42. **Mr. Candia Ibarra** (Paraguay) said that many of the delegations, including that of his own country, were of a very high level and he wished to know whether any further consideration was to be given to the scheduling of dialogues with the various treaty bodies. The two rounds of a dialogue could be held on successive mornings or successive afternoons, so as to give delegations more time to prepare their responses and to take account of any time differences between Geneva and the country in question.

43. **Ms. Winter** said that consideration had been given to the idea of inviting States parties to report — over the course of a week or 10 days — before a number of different treaty bodies with overlapping mandates. Given the treaty bodies' different schedules and time frames, it was an extremely complex question and no decision had yet been reached.

44. **Ms. Aldoseri** said that once the topics for the day of general discussion had been finalized, they would be communicated via the normal channels.

45. **The Chairperson** said that there was increasing contact between treaty bodies and special procedure mandate holders. The amount of time allocated to dialogue with States parties was limited because of resource constraints, but the treaty bodies sought to treat all States equally. The Committee would attempt to accommodate the question of time zone differences.

The meeting rose at 12.25 p.m.