

CONVENTION ON THE RIGHTS OF THE CHILD COMMITTEE ON THE RIGHTS OF THE CHILD

At the centre of a process to monitor States' implementation of the Convention on the Rights of the Child is the Committee on the Rights of the Child, an elected committee of international experts that was established in 1991 in accordance with Article 43 of the Convention. Governments that ratify the Convention must submit regular, detailed reports on the national situation of children's rights to the Committee for examination.

The Committee on the Rights of the Child is made up of 18 members from different countries and legal systems who are of 'high moral standing' and experts in the field of human rights. Although they are nominated and elected by the governments that have ratified the Convention, Committee members act in a personal capacity. They do not represent their countries' governments or any other organisation to which they might belong. Deriving their mandate in this regard from the Convention itself, Committee members are "accountable solely to the children of the world."

Apart from its main activity—the examination of States' reports—the Committee also undertakes activities towards the promotion of international cooperation among multilateral agencies, donor countries and developing countries. Every two years, the Committee reports on its activities to the UN General Assembly through the UN Economic and Social Council.

THE PUBLIC ACCOUNTABILITY OF STATES

The process of reporting progress on the realisation and protection of child rights is not meant to be viewed by States as fulfilment of an isolated bureaucratic requirement. Instead, the reporting process is intended as a tool for policy development and planning and for promoting respect for child rights. Governments are urged to involve all sectors of society in the preparation of reports.

In reviewing States' reports, the Committee looks at how well governments—rather than individuals—are setting and meeting the standards for the realisation and protection of children's rights that are enumerated in the Convention. The Committee does not monitor the behaviour of individual parents and other caregivers and it does not receive complaints from citizens—it is not empowered to do so, nor does it have the resources.

REPORTING MECHANISMS

States must first report to the Committee on the Rights of the Child on their actions to implement each of the Protocols two years after ratification. Subsequent reports must then be included with the government reports of implementation of the CRC as a whole.

This ongoing monitoring is a further impetus toward the full protection of children's rights. For each of the Optional Protocols, the Committee on the Rights of the Child has adopted guidelines detailing which information States are expected to give in their implementation reports.

A COMPREHENSIVE REPORTING PROCESS

Each government that is party to the Convention on the Rights of the Child must make its first report within two years of ratification, followed by regular reports every five years thereafter. Along with this regular reporting, the Committee may request additional information or complementary reports. States themselves may opt to provide additional information outside the general reporting process, in cases where national emergencies or serious concerns arise.

Thus, the reporting process is both comprehensive and continuous, with seven main stages:

- Preparation of the initial report;
- Pre-sessional working group;
- Government response to a 'List of Issues';
- Plenary session;
- Follow-up to the concluding observations;
- Requests for additional information;
- Periodic reporting.

The Committee has issued guidelines for States preparing initial and periodic reports. Both sets of guidelines help States to structure their reports by dividing the Convention into clusters of articles under eight themes:

- General measures of implementation;
- Definition of the child;
- Guiding principles;
- Civil rights and freedoms;
- Family environment and alternative care;
- Basic health and welfare;
- Education, leisure and cultural activities;
- Special protection measures.

Completed draft reports (along with copies of relevant national legislation, statistical data and relevant benchmarks for monitoring progress) are sent by States to the Committee at the Office of the United Nations High Commissioner for Human Rights in Geneva, which serves as the Committee's Secretariat and provides advisory services to the degree its limited resources allow.

In cases where States fail to follow the Committee's guidelines in preparing their reports or provide insufficient information, the Committee will return the report and request resubmission of a comprehensive report.

STATE-BY-STATE REVIEW

The review process for each State's report begins with a private meeting held by a pre-sessional working group of the Committee. This pre-sessional working group provides a forum in which UNICEF and other agencies involved with children's rights—international organisations and non-governmental organisations from the country in question—analyse the child rights situation in the country, highlighting areas of concern. The pre-sessional working group generates a List of Issues that are presented as questions to the government of the State under review.

The government is then asked to respond in writing to these questions in advance of a public plenary session, a meeting open to the public during which the Committee examines all aspects of the State's report. The Committee normally spends a day and a half during the public plenary session discussing each report with government representatives. On the final day of the plenary session, the Committee drafts concluding observations, which are public documents that include recommendations for action. Frequently, the concluding observations request that UNICEF provide technical assistance to the State in implementing the Committee's recommendations.

In carrying out its work, the Committee does not take a confrontational approach but rather seeks to engage States in a constructive dialogue with a view to critically assessing the situation of children and encouraging cooperation for implementation of the Convention on the Rights of the Child.

Indeed, the essential aim of the international monitoring process is not to replace but to strengthen the national capacity to ensure and monitor the realisation of children's rights. The process therefore also contributes to enhancing popular participation in policy-making and encouraging public scrutiny of governmental policies. It enhances the realisation of children's rights by providing a meaningful opportunity for government officials, private institutions and independent advocates to act together to improve the situation of children.

The Convention also establishes an obligation in article 44, paragraph 6, for States Parties to make their reports widely available to the public in their own countries. In addition, the Committee systematically recommends that States Parties ensure the publication of their reports together with the summary records of the dialogue held with the Committee and with the concluding observations adopted thereafter.

For further information on the work of the Committee on the Rights of the Child, see <http://www.ohchr.org/english/bodies/crc/index.htm/>.