



ngo group for the crc

GENERAL COMMENTS OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

Information for NGOs

WHAT ARE GENERAL COMMENTS?

- General comments provide an authoritative interpretation of the rights contained in the articles and provisions of the Convention on the Rights of the Child.
- They are based on the Committee on the Rights of the Child's experience in monitoring State Party reports.
- The Convention does not explicitly mention general comments but Article 45(d) allows the Committee to "make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the ... Convention".
- Rule 73 of the Committee's rules of procedure (CRC/C/4/Rev.1) affirms that the Committee may prepare general comments.
- General comments can be revised or updated to reflect new developments or clarify issues.

WHY ARE GENERAL COMMENTS IMPORTANT?

- The main purpose of a general comment is to promote implementation of the Convention and assist States Parties in fulfilling their reporting obligations.
- General comments are seen as a valuable contribution to the development and application of international law.
- They are a useful analysis and explanation of treaty obligations and can provide guidance with respect to particular issues.

- They can also draw the attention of States Parties to inadequacies brought out in a large number of reports and make suggestions on improving reporting procedures.

- General comments can also reinforce links with other international instruments which are often referenced in the general comments.

WHAT HAVE BEEN THE THEMES OF PREVIOUS GENERAL COMMENTS?

The Committee has adopted ten general comments:

- The aims of education (CRC/GC/2001/1))
- The role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2)
- HIV/AIDS and the rights of the child (CRC/GC/2003/3)
- Adolescent health and development in the context of the Convention (CRC/GC/2003/4)
- General measures of implementation of the Convention on the Rights of the Child (CRC/GC/2003/5)
- Treatment of unaccompanied and separated children outside their country of origin (CRC/GC/2005/6)
- Implementing child rights in early childhood (CRC/GC/7/Rev.1), 2006
- The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/GC/8), 2006
- The rights of children with disabilities (CRC/GC/9), 2006

- Children's rights in juvenile justice (CRC/GC/10), 2007

The texts of the general comments can be found at <http://www2.ohchr.org/english/bodies/crc/comments.htm>

Two other general comments are currently under preparation and may be adopted in 2008:

- Indigenous children and their rights
- The right of the child to express their views and to be heard

HOW ARE THE THEMES CHOSEN?

- The Committee selects the themes for general comments. These decisions are made during private meetings.
- The Committee has not established a systematic procedure for selecting themes.
- Ideas for possible themes come from Committee members, UN agencies and NGOs.
- The selection of the first general comments was primarily based on suggestions from UN agencies who offered assistance in drafting the general comments.
- Recent general comments were drafted as follow-ups to recent recommendations made during days of general discussion.

HOW CAN I SUGGEST A THEME?

- The Committee is open to receiving suggestions as to possible topics for general comments.
- There is no fixed schedule for general comments and no limit to the number that may be drafted at one time.
- Suggestions should be submitted in writing to the Committee and explain why a general comment is needed on a particular article or theme. An outline of the elements to be covered under the general comment could be proposed.
- The Committee also welcomes offers of funding or technical assistance in preparing general comments.

HOW ARE GENERAL COMMENTS PREPARED?

- The first draft of the general comment is often prepared by an outside source; generally a consultant hired by the Office of the High Commissioner for Human Rights, a UN agency or an NGO. On a few occasions, the first draft has been prepared by a Committee member but this remains the exception.
- Prior to the preparation of the first draft, the consultant meets the Committee in order to discuss a draft outline.

- Once the outline has been approved, the consultant submits a first draft to the Committee and subsequently meets with the Committee in order to discuss this draft.

- The draft is then revised and a second meeting is held with the Committee.

- The draft is then further modified and circulated to a limited number of UN agencies, NGOs, and independent experts for comments.

- In some cases, expert consultations have been held to discuss the draft.

- Following the submission of written comments and consultations, the draft general comment is revised one last time and submitted to the Committee.

- Committee members make final revisions and the Committee then adopts the general comment.

- The time frame for the preparation of a general comment is approximately eighteen months.

- All consultations take place in private meetings.

- The drafts are prepared only in English. The final version is made available in all six official UN languages (English, French, Spanish, Chinese, Russian, and Arabic).

HOW CAN I BE INVOLVED IN THE PREPARATION OF GENERAL COMMENTS?

- Draft general comments are circulated to a limited number of NGOs and independent experts for input and advice. They are not posted on websites or distributed widely.

- If you or your organization has expertise on a topic under consideration and you are interested in contributing comments on the draft, it is important to make this known to the NGO Group for the Convention on the Rights of the Child or the Secretariat of the Committee.

- The Committee is particularly interested in getting feedback on general comments from those NGOs or experts working at the national level. Please note however that draft general comments are only available in English.

- In some cases, consultations are held in order to solicit input from experts. Offers from NGOs to organize, host and fund consultations are welcome.

- Consultations are generally held in conjunction with other expert meetings on similar topics. Keep your eye out for these announcements and signal your willingness to participate.

- As the Committee discusses general comments in private sessions, it is only possible to comment on the draft through written submissions or consultations.

WHAT SHOULD I DO WITH THE GENERAL COMMENTS?

- General comments should be brought to the attention of relevant government officials working on these specific areas.
- They should be circulated to civil society organizations and groups working on children's issues at the national level, including NGOs, academia and children.
- They should be distributed to judges, lawyers and national human rights institutions.
- They should be translated into local languages and disseminated widely.

HOW CAN GENERAL COMMENTS BE USED IN MY WORK?

- General comments may assist stakeholders to better understand the provisions of the Convention.
- They may help in strengthening national advocacy and can be used as a framework for accountability.

- National courts may refer to the general comments in order to clarify legislative provisions. In some cases, national courts have based judgments on treaty jurisprudence, including general comments.

- They can also be used by stakeholders to push for changes in legislation.

- They may encourage States Parties, UN agencies and NGOs to work on the specific issues addressed in the general comment while moving towards full implementation of the Convention.

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