

The Use of Concluding Observations for Monitoring the Implementation of the Convention on the Rights of the Child

The Experiences of NGO Coalitions in Nine Country Case Studies

NGO Group for the Convention on the Rights of the Child

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Grupo de las ONGs para la Convención sobre los Derechos del Niño
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CRIN-NGO Group Joint Working Paper No. 2

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Contents

Introduction	1
Case studies	3
Bangladesh	3
Canada	5
Georgia	8
Germany	10
India	13
Jamaica	15
The Netherlands	18
New Zealand	21
Pakistan	23
Conclusions and lessons learned	25

The Use of Concluding Observations for Monitoring the Implementation of the Convention on the Rights of the Child*

The Experiences of NGO Coalitions in Nine Country Case Studies

Introduction

This paper is about monitoring progress on the implementation of the Convention on the Rights of the Child (CRC) using a selected survey of national coalitions of child rights NGOs. This is the first time case studies have been brought together in one document. By shedding light on the process in this way a bigger picture emerges, where experiences can be compared, ideas shared and common lessons drawn. Above all this paper aims to be a future source and inspiration for NGOs, strengthening them both in their battle for child rights and when calling governments to account.

The Concluding Observations of the Committee on the Rights of the Child can be an effective tool for civil society and a means of engaging with governments, primarily responsible for implementation. The first section explains the process whereby states are responsible for reporting to the Committee on the Rights of the Child and the role that civil society organisations play in this. The second section reports the findings of the nine case studies and the third section draws together some of the lessons learned to date through the reporting and monitoring processes.

This working paper examines the processes whereby national coalitions/NGOs use the Concluding Observations for monitoring purposes and identifies the internal and external factors that influence effective monitoring and advocacy. It explores national coalitions/NGOs' perceptions of their role in monitoring and describes concrete achievements or failures that occurred in the process. As well as operational hints and tips, the paper raises awkward questions. Do governments take any notice of the Concluding Observations, do they lack teeth, what more can be done to improve implementation? The evidence from some countries is bleak, but sharing experiences in this way can help NGOs better prepare themselves in future and anticipate problems before they strike.

What monitoring means

"Monitoring is a broad term describing the active collection, verification and immediate use of information to address human rights problems. Human rights monitoring includes gathering information about incidents, observing events, such as elections and trials, visiting sites, places of detention and refugee camps, discussing with government authorities to obtain information and pursue remedies. The term includes evaluative activities at the UN headquarters, as well as first hand fact-gathering at country level. Monitoring generally takes place over a protracted period of time."¹

The CRC monitoring process and Concluding Observations²

The Convention on the Rights of the Child was unanimously adopted by the United Nations General Assembly on 20 November 1989 and entered into force on 2 September 1990. The Convention, which contains 54 articles, is a comprehensive instrument, which sets out rights that define universal principles and norms for the status of children. It provides children with fundamental human rights and freedoms as well as takes into account their need for special assistance and protection due to their

* The author wishes to acknowledge the financial support of UNICEF, the Ministry of Foreign Affairs Finland, and the Ministry of Foreign Affairs UK in conducting the research for this working paper.

¹ Adaptation of the 'monitoring' definition of the University of Minnesota, Human Rights Library.

² Extract from *A guide for Non-Governmental Organisations Reporting to the Committee on the Rights of the Child*, Revised 1998 by the NGO Group for the CRC. See <http://www.crin.org/projects/viewProjects.asp?projID=9> for the full document.

vulnerability. It is the only international human rights treaty to include civil, political, economic, social and cultural rights. Upon ratification, States commit themselves to respecting these rights. This Convention is presently the most widely ratified international human rights instrument, almost all States having agreed to its principles.

The Convention on the Rights of the Child is monitored through a system of reporting by States parties to the Committee on the Rights of the Child. The Committee is composed of 18 independent experts who are elected in their personal capacity to four-year terms by States parties. An equitable geographical distribution and representation of the principal legal systems is taken into consideration in their selection.³

The Committee is responsible for examining the progress made by States parties in fulfilling their obligations under the Convention. It can only receive or consider information concerning countries that have ratified or acceded to the Convention. In its reporting guidelines, the Committee recommends that the preparation of reports be an opportunity to review law and policy, which might prompt improvements in national law and practices. In addition, the scrutiny of these reports by independent experts should expose non-compliance with treaty obligations and such exposure and publicity should encourage change.

The basis for the Committee's review is the report that each State party is required to submit two years after ratification of the Convention. Thereafter, progress reports are required every five years. The Committee may also request a complementary report or additional information between these periods. The preparation of the initial report should allow governments to conduct a comprehensive review of the measures adopted to give effect to the rights under the Convention and on the progress made on the enjoyment of these rights. The report should provide a comprehensive understanding of the implementation of the Convention and indicate the factors and difficulties that prevent full compliance with the Convention.

Upon completion the State report is sent by the responsible government to the Secretariat of the Committee at the Office of the High Commissioner for Human Rights. It is then scheduled for examination by the Committee at the next available session. The Committee tries to examine reports within one year of receipt based on the order in which they are received. Due to its increasing backlog of reports, it has become almost impossible for the Committee to respect this timetable. Information is also sought from other sources, such as non-governmental and inter-governmental organizations. During the pre-sessional working group, a private session composed of Committee members, a preliminary review of the report is conducted and all available information is examined. The working group then prepares a list of issues to be submitted in advance to the government. Governments are requested to respond to these questions in writing before the plenary session.

The Committee then examines the report in the presence of the government during its plenary session. It is recommended that government representatives who are directly involved at the national level with the implementation of the Convention be present for such a discussion. Government representatives are invited to answer the questions and comments posed by Committee members in order to discern more fully the actual situation in the country. At the end of the dialogue, the Committee prepares Concluding Observations (COs), which reflect the main points of discussion and indicate concerns and issues, which would require specific follow-up action at the national level.⁴

Under Article 45(a) of the Convention, the Committee on the Rights of the Child may invite agencies, UNICEF, and "other competent bodies" to provide expert advice on the implementation of the Convention. The term "other competent bodies" includes non-governmental organizations (NGOs). This Convention is the only international human rights treaty that expressly gives NGOs a role in monitoring its implementation. The Committee has systematically encouraged NGOs to submit alternative reports, documentation or other information in order to provide it with a comprehensive picture as to how the Convention is being implemented in a particular country. Written information from international, regional, national and local organizations are welcomed by the Committee.⁵

³ See <http://www.ohchr.org/english/bodies/crc/guidelines.htm> for detailed guidelines for state parties reports.

⁴ See <http://www.unhcr.ch/tbs/doc.nsf/newhvdocsbytreaty?OpenView&Start=1&Count=750&Collapse=8#8> for If state party reports, Concluding Observations and other official documents submitted to the CRC.

⁵ See <http://www.crin.org/docs/resources/treaties/crc.25/annex-vi-crin.shtml> for a database of Alternative Reports.

Case studies from Bangladesh, Canada, Georgia, Germany, India, Jamaica, The Netherlands, New Zealand and Pakistan

This paper provides a new perspective on the COs' process and effectiveness by bringing together a range of individual national experiences. The case studies outlined here are based on a survey of eight national coalitions and one single issue NGO. They describe what was involved in using the COs and the impact the observations had on their monitoring and advocacy work. The different means of monitoring by coalitions/NGOs are summarised in Annex 1.

Bangladesh

Bangladesh Child Rights Forum (BSAF)

Bangladesh Shishu Adhikar Forum (BSAF) or Bangladesh Child Rights Forum, is a national network of 200 NGOs working with and for street children. It was set up in 1990 against the backdrop of the Convention coming into force, the World Summit Declaration and subsequent South Asian Association for Regional Cooperation (SAARC) commitments. BSAF's core activities include awareness raising, advocacy, capacity building of member NGOs, providing information and a resource base on child rights.

BSAF's experience

In 1996 BSAF submitted an alternative report to the initial Bangladesh State report.⁶ It outlined some of the glaring inequities between the standards set out in the Convention and the situation of children in Bangladesh. Eleven recommendations for change within the two reporting periods were made. Most were incorporated in the Committee on the Rights of the Child's COs. However progress has been poor and, regrettably, the recommendations listed below were all repeated again in the COs following the second state report.

BSAF monitoring methods

While the COs form an important reference in BSAF's overall monitoring, other factors determine its course. The network's primary concern is children in very difficult circumstances, such as those on the streets in a country of scarce resources and many young people. Consequently national developments, whether at legislative, policy or programme levels, are assessed mainly from the standpoint of the most needy. BSAF does not claim to be a voice for all children, but it does have a good understanding of the plight of the most vulnerable, a significant percentage of the population and the socio-economic changes necessary for improving their life chances.

BSAF uses a range of indicators for monitoring. Crime statistics – such as numbers of children murdered, raped, disappeared, arrested, and tortured – provide a compelling way of illustrating child rights violations. BSAF widely circulates its research in these areas. It also produces publications and a website for advocacy, monitoring and awareness raising.⁷

Between the first and subsequent report to the Committee (1996-2000), BSAF monitored conditions of children and the country's compliance with the Convention. This included:

- identifying and observing the work of government institutions responsible for implementing the CO;
- developing a database with national and local newspaper articles, reports, research findings and other types of documents related to CO issues;
- holding meetings, hearings and workshops to review progress on the implementation of the COs;
- holding meetings with key government officials to collect information;

⁶ See <http://www.crin.org/resources/infoDetail.asp?ID=45>

⁷ See <http://www.bsafchild.org/open/>

Achievements and Recommendations of the Concluding Observations⁸

Recognition of achievements:

- adoption of a national policy for children;
- establishment of the national children's council in 1995;
- legislative reform with action plans to create taskforces on law reform, juvenile justice and the girl child;
- significant reduction in child mortality rates;
- improvements to basic education.

Recommendations for action:

- establish a multidisciplinary monitoring and coordinating system;
- allocate a greater proportion of budgets to children;
- promote and facilitate child participation;
- review reservations with a view to their withdrawal (to articles 14.1 and 21);
- pursue efforts to ensure full compatibility of national legislation with Convention;
- pursue efforts to promote human rights education in the country;

- consider acceding to other international human rights instruments;
 - adjust the national policy on children to cover all children;
 - take measures to ensure birth registration;
 - take additional measures to combat violence against children and abuse of them;
 - make concerted effort to combat malnutrition;
 - raise awareness about and improve treatment of children with disabilities;
 - direct greater efforts to training teachers and improving school environment;
 - increase enrolment and fight dropping out;
 - introduce effective information campaigns to prevent and eliminate child labour;
 - ensure adequate protection of refugee children;
 - make wide-ranging reforms in the administration of juvenile justice and legal reform;
 - reinforce bilateral and regional cooperation to prevent and combat child trafficking.
-

- producing case studies and conducting surveys with target groups;
- forming special interest groups to conduct monitoring.

Among the methods used in monitoring the COs, BSAF examined:

- the extent to which existing legislation is implemented;
- the extent and manner in which relevant policies are implemented;
- the decisions and actions taken by government bodies responsible for monitoring the implementation of the COs;
- the national budget to determine how much is assigned directly and indirectly to children; and
- the impact of the COs on children and young people through parents and other stakeholders.

BSAF's monitoring does not take place in isolation since it lays the bases for collaborative work with government and inter-governmental organisations to address the COs' recommendations.

⁸ See [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/7a7d4c9a22aa9e8e802564b4005610b4?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7a7d4c9a22aa9e8e802564b4005610b4?Opendocument)

Canada

Canadian Coalition for the Rights of the Child (CCRC)

The Canadian Coalition for the Rights of the Child (CCRC) is a voice for Canadian organisations and youth concerned with the rights of the child. Over the years it has grown in membership with over 50 national and provincial NGOs promoting and protecting the rights of children in Canada and overseas. Monitoring the implementation of the CRC is part of its mandate. The coalition joined in the initial reporting process in 1995.

CCRC's experience

Two alternative reports have been produced by CCRC.⁹ These were written, with government financial help, following a review of material, an analysis of national and regional discussions, and an online survey from a sample of NGO members. Regional consultations were held to ensure specific local issues were covered. The CCRC also conducted a nationwide web-based survey to assess whether the concerns of regional NGOs were reflected in the national assessments. The issues covered included child poverty, child abuse and neglect, education, health, exploitation, participation, children in care, children with disabilities, youth justice, street children and recreation.

Achievements and Recommendations of the Concluding Observations

Recognition of achievements:

- a firm commitment to adopting further measures for the implementation of the rights of the child;
- establishment of the National Council on Crime Prevention, to improve implementation in the area of juvenile justice;
- strengthening child rights in national legislation and recognition of the Canadian Charter of Rights and Freedoms;
- establishment of the Family Support Enforcement Fund helping provincial and territorial governments in protecting and promoting child rights;
- early identification of children with disabilities within schools and local services;
- convening the 1990 World Summit for Children and participation in international projects

- set up national training on child rights for all sectors including children;
- strengthen all government mechanisms at all levels, as well as improving links with NGO and aboriginal communities for ensure discrimination is eliminated;
- implement Article 4, particularly child poverty;
- use Convention to develop international assistance programme
- greater use to be made of Convention in national law, especially Articles 2,3 and 12;
- speed up reunification of refugee families;
- review penal legislation with a view to prohibition, particularly parents smacking children and corporal punishment in schools and institutions;
- increase research on aboriginal children and improve their access to education and housing;
- circulate initial state report and COs more widely

Recommendations for action:

- withdraw reservations to the Convention (to articles 21 and 37 (c));
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The role of the UN Special Session on Children in monitoring

The Canadian government was closely involved in the preparations for the second World Summit on Children. Being part of its mandate, the CCRC saw the national review process as a crucial forerunner to the Special Session.

⁹ See <http://www.crin.org/resources/infoDetail.asp?ID=194> for the 1995 report and see <http://www.crin.org/resources/infoDetail.asp?ID=3595> for its 2003 report "Does Canada Measure Up".

CCRC's recommendations to the UN Special Session on Children closely adhere to the Committee's suggestions and recommendations almost 10 years before. Among its concerns was the public silence over cutbacks in children and young people's areas. It was thought this was down to widespread ignorance of the Convention's existence, as well as a lack of formal mechanisms to ensure monitoring and implementation. The coalition concluded that Canada's National Plan of Action (NPA) ought to include publicising the Convention, incorporating it into national legislation, as well as using it as a framework in decision-making.

The report listed the priorities and recommendations for Canada's NPA. These urged:

- setting up implementation and monitoring mechanisms for UN Convention on the Rights of the Child so compliance was strengthened in the field of national policies, legislation and practices;
- creating a culture of children's rights, based on awareness and support of the Convention and promoting public support for a rights-based approach to policy and legislation;
- ensuring the provision of universal services sensitive to the needs of vulnerable children and those with special needs;
- developing higher standards for children's environmental health by working with the provinces and territories; and
- providing more meaningful opportunities for youth participation in matters that affect them.

Monitoring with the COs

To mark CCRC's 10-year anniversary in 1999, the coalition undertook a massive monitoring exercise to assess the degree to which the Convention is implemented. CCRC's *How does Canada measure up?* provided an updated summary and came four years after the Committee's recommendations were made to the Canadian government. The picture then was mixed, with negative developments in the ascendant rather than positive ones.¹⁰

The following are a few examples from the summary:

The COs recommended better legal and administrative coordination across the jurisdiction to reduce disparities in children's rights across the country. CCRC observed that the devolution of federal responsibilities to the province is a growing trend, which may lead to greater variations in programmes and services to children and families.

The coalition's research paper illustrates the overall lack of national goals and standards for protecting children's rights and well being. Disputes between the federal and provincial governments over the funding and service provision of for Aboriginal children remains unresolved in many parts of the country. The COs suggested the Canadian government consider removing its reservation. CCRC found no evidence that the federal government is considering this. The stated reason for this reservation is to ensure that the customary adoptions and alternative care arrangements among Aboriginal peoples are respected, as these tend to be private, consensual arrangements. No information appears available regarding the impact of reservations on Aboriginal adoption practices.

Both the 1999 review of the state of children in Canada and preparation of the NGO report to the UN Special Session on Children gave CCRC the chance to examine closely Canada's commitment to implementing the Convention.

Challenges to monitoring

In 2003 CCRC participated in the Committee on the Rights of the Child consideration of Canada's second periodic report, by having a representative attend both the pre-session and session.

¹⁰ The relevant CCRC reports can be found at <http://www.rightsofchildren.ca/reports.htm>

CCRC accomplishments in monitoring are admirable considering Canada is the world's second largest country and the coalition just a group of some 50 members scattered across most states. The coalition faces enormous challenges building and maintaining cohesion among members located so far apart. While the Internet and other forms of electronic communication help members stay in touch, it is not the same as being able to talk face-to-face. Meetings are only possible when funding is possible or for special occasions, such as the one in Quebec held after the initial Committee's session which led to the publication of the monitoring tool.

Sustained monitoring within and among coalition members is another challenge for CCRC as some are unfamiliar with the processes. On the plus side members have diverse interests and orientations that make the network truly representative. But this diversity also makes it difficult to promote joint monitoring activities so they have not been a strong feature of CCRC's work. But in spite of these drawbacks, the coalition found some common ground when it produced educational materials on the Convention. The decision to do this came about because of the survey which revealed poor public awareness about the Convention and its application. This lack among those who work with or for children indicated that creating educational materials was a necessary first step toward more inclusive monitoring.

The CCRC now hopes to gain more partners so on-going monitoring can be carried out both in specific locations and areas of expertise. Responses to the educational materials have been very encouraging. In the first three weeks 1600 copies were downloaded from CCRC's website. The CCRC is building on this momentum by developing a community-based monitoring tool. But without resources CCRC is unable to keep up monitoring in all the desired areas. To achieve stability more staff are needed. A network coordinator, organising regular meetings would make a tremendous difference.

Georgia

Regional Network for Children

A network with 20 members, this is a new coalition, although several members were part of the initial reporting process.

The Regional Network for Children's experience

Leading up to June 2000, several NGOs, known as the Council, got together to prepare the first alternative report.¹¹ Save the Children (USA) played a dynamic role in enabling the network to develop a degree of organisation in a short time. As well as the report, its aims were: dissemination of the CRC in Georgia; monitoring it; making recommendations concerning the CRC to the Government; and creating a strategy for CRC implementation.

The Council identified tasks that were essential for monitoring purposes, such as conducting a study to assess the status of children in Georgia; developing an information centre to house documents, reports and other forms of information on children; systematically producing reports based on studies of various issues related to children and their rights.

The Council felt that the task ahead was daunting as policy makers and the public did not quite understand the meaning of child rights. According to the survey, coordinated by the Department of Children's Rights (May 1997), 90 per cent of respondents questioned in Tbilisi agreed that child's rights in Georgian society are widely violated.

First stage progress

In 2001 UNICEF widely circulated the COs and NGO alternative report among relevant government departments. The Council (as the first coalition was known) used the COs as a guide when monitoring whether they were being applied. Some progress was noted such as an Ombudsman's office was established at the Child Rights Centre. By then the Council was fairly optimistic that the COs provided a valuable framework for monitoring and action. Regrettably this coalition failed to develop and folded.

Achievements and Recommendations of the Concluding Observations¹²

Recognition of achievements:

- strengthening the data collection system about children and young people under 18;
- establishing the office of Public Defender that includes a Commission for the Rights of Women and Children;
- the election of a Youth Parliament of Georgia which is mandated to consider relevant youth issues and prepare recommendations for the National Parliament.

Recommendations for action:

- introduce more conformity between the Convention and national law;
- draw up a comprehensive national plan of action to

implement the convention;

- bring in measures to protect children from exploitation at both preventative and rehabilitative levels;
 - implement a new approach to young people who have been internally displaced and improve conditions of those who have been uprooted;
 - clear landmines and teach young people about their dangers;
 - increase efforts to promote adolescent health policies and child-friendly counselling services, strengthen reproductive health education;
 - improve the health of young people living in remote mountainous regions and conflict zones.
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¹¹ See <http://www.crin.org/resources/infoDetail.asp?ID=135>

¹² See [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/78054a7b8ce53b0a8025690000341769?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/78054a7b8ce53b0a8025690000341769?Opendocument)

Progress update with new coalition

In June 2002 a new coalition – the NGO/UNICEF Regional Network for Children (RNC) was formed, part of the wider regional initiative of the NGO/UNICEF Committee on Children. A branch was formed in Georgia with the Child Rights Protection Association, led by Claritas XX1, and has members, including 80 per cent of the old Council. UNICEF and implementation of its A World Fit for Children agenda is the Council's guide and forms the basis of a National Plan of Action.

In April 2003 the Georgian government submitted its second report to the CRC.¹³ The RNC's observations of children's conditions were very similar to that of the previous coalition's.

Despite the ratification of the CRC by Georgia (1994) children's rights are not protected and proper legislative acts are not realised. The economic crisis and conflicts taking place in the country since 1993 caused fragmentation of the community, weakness of social protection systems and destruction of social services. Despite the government's efforts to adopt new legislative acts and revise compliance of the existing laws with the Convention, the country's legislation does not reflect the CRC principles and provisions. Children's rights are not fully considered in legislative, administrative and juridical processes, nor in state policy and programmes on children. Due to the above mentioned realities the child population has turned out to be marginalised and impoverished; the frequency of child rights violations have increased; the number of institutionalised and street children, the cases of child discrimination and juvenile delinquency keeps growing.

In the intervening period between the CO's publication and the second report the condition of children, particularly those living in poverty, institutions and who had disabilities, got worse.

Preparing the second alternative report gave RNC an opportunity to examine how far the COs were being implemented. It developed steps starting with planning the aims and methods of monitoring CO implementation and designating responsibilities during the overall process. It also identified which government departments were most responsible for carrying out the recommendations. Meetings were held with relevant government officials to learn about the developments and constraints in implementation. Gross cases of child rights violations were investigated, such as the situation of children with disabilities in institutions. Members of the network with expertise on children's rights issues also contributed their knowledge and experience in the analysis and elaboration of the alternative report. The timing of this process also served RNC well in strengthening its own organisation.

¹³ See [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/fb4d167cdb1ea423c1256d3400515e97?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/fb4d167cdb1ea423c1256d3400515e97?Opendocument)

Germany

National Coalition for the implementation of the UN Convention on the Rights of the Child in Germany.

This 100-strong coalition coordinated preparation of the initial alternative report and attended the Committee pre and during the session.

The National Coalition's experience

The National Coalition for the implementation of the UN Convention on the Rights of the Child in Germany (NC)¹⁴ began in 1995 shortly before the government met with the Committee on the Rights of the Child to consider the initial State report. It began with 40 child-focused NGOs that worked in various areas such as child and youth welfare and policies. Over the years the coalition grew to 100 members covering a broad spectrum.

NC's aims are:

- to encourage and monitor government action towards implementation of the Convention;
- to invite promoters from a broad cross-section of society to act towards the implementation of the Convention;
- to discuss with and disseminate the UN Convention on the Rights of the Child to all children in Germany;
- to support the involvement of children and young people in the discussion and implementation of the Convention; and
- to exchange information on the process of implementation on an international level.

The coalition regards the COs as an essential framework for fulfilling its aims. In 1999 NC launched its second 10-year programme for 1999-2009. Called Children's Rights are Human Rights, it selected 10 areas for action, most of them taken from the recommendations in the COs. They are:

- to successfully have the rights of the child grounded in the German Constitution;
- to ensure both government and civil society commitment to making children's well-being their priority;
- to ensure child participation in affairs that directly affect their lives is built into legislation;
- to monitor events and resources to ensure this happens and improve children's access to decision-making at all levels within communities;
- to reject the German government's reservations to the Convention regarding asylum seekers and institute a non-discriminative system for children without German passports in line with current German law and practices;
- to safeguard the material and social conditions of children in any government reform activities, such as tax and health reform;
- to prevent violence and neglect especially for disadvantaged young people;
- to take measures to ensure that children with disabilities are fully integrated into society and when they grow up are helped to live independent lives;
- to promote the protection of children deprived of their liberty;

¹⁴ See <http://www.agj.de/>

Achievements and Recommendations of the Concluding Observations

Recognition of achievements:

- the willingness to support the draft optional protocol on children in armed conflict as well as support for the call to ban the manufacturing and trade in anti-personnel land-mines;
- the plans for a comprehensive review of German children's situation;
- the measures to prevent and combat xenophobic tendencies and signs of racism in all levels of society;
- plans to undertake research and additional measures for the early detection and prevention of violence against and sexual abuse of children;
- the future ratification of the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption Efforts to accept large numbers of refugees and asylum seekers especially from the former Yugoslavia;
- extension of the criminal law to child abusers;
- support for the International Labour Organisation; and
- every child having a legal right to a place in primary school (since 1996).

Recommendations for action:

- review the reservations with the aim of withdrawing them;
- give greater importance to resource allocation to maximise children's economic, social and cultural rights;

- achieve a 0.7 per cent target for international assistance to developing countries and use debt forgiveness to improve young people's situation;
 - develop a comprehensive and systematic strategy for spreading information and creating awareness of child rights;
 - pursue the preparation of materials on children's and human rights education in school and training programmes;
 - ensure non-discrimination of children born outside marriage using legislation and policy measures;
 - push for a change in attitude so violence towards children is eradicated including family adults' smacking or hitting them;
 - improve research on child poverty so a more integrated approach could be developed that could better respond to the problems associated with disadvantage;
 - research the effects of environmental pollution on young people's health;
 - look deeper into the issues affecting young asylum seekers and refugees so the system can be reformed in compliance with the Convention;
 - create an action plan within definite deadlines for legislative reform, policies and actions so the Convention is fully implemented; and
 - ensure the State report and COs are widely distributed.
-

- to develop a permanent system so organisations and institutions serving children and young people treat them with respect and all staff have child rights training; and
- to push for a national action plan following the UN Special Session on Children.

The coalition has worked consistently towards fulfilling this 10-year plan working under the Child Welfare Alliance and with help from government funding and an active secretariat.

Germany's Initial State report in compliance with article 44 of the Convention was considered at the CRC's 10th meeting in 1994. The COs issued contained four sections.¹⁵

CO assessment

When the coalition was asked for its assessment of the government's implementation performance the answer was mixed. Apart from removing the reservations, recognition was given to accomplishments. However, there is still a long list of actions needed to improve compliance. (replace footnote 1) For example, laws and policies governing the treatment of asylum seeking and refugee children remain unchanged. Nor has the Convention been incorporated into the German Constitution, reportedly for fear that the rights of children would conflict with parental rights.

There may be some limits to government cooperation even under favourable conditions such as in Germany. For example, a Commission for Children's Rights was set up by parliament to safeguard the interests of children, but since it had no right of motion, it has little influence. Unfortunately, when a

¹⁵ [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/03ac430583c58355412561510060c3a8?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/03ac430583c58355412561510060c3a8?Opendocument)

cross-party motion was submitted to Parliament in June 2003 to change the situation, it did not gain majority support. So Germany still lacks any permanent and effective mechanism to coordinate the rights of the child in parliament. The Aktionsbündnis Kinderrechte (Action Alliance on Children's Rights), in which some coalition member organisations participate, was established to further promote the institution of a Federal Ombudsperson.

Monitoring methods

The coalition's monitoring system is among the few systematic CRC monitoring systems in existence in Germany. This is because there lacks an effective coordinated mechanism for monitoring at government level, despite the repeated recommendations of the CRC Committee. With a large number of coalition members working on children's and human rights issues, the German coalition relies on the network's support in monitoring. This approach takes full advantage of members' expertise on various children's issues. That support, complemented with a small but active employed staff in the Secretariat, has made the coalition fairly successful following the central government's work and, to a lesser extent, regional developments. Much of the coalition's work is based in the capital, Berlin, where it is well placed to monitor the main parliament and key ministries important to children's issues. The coalition is also in contact with the Commission on Children and that body's efforts to realise the full implementation of the Convention. All these sources have enabled the coalition to effectively monitor the German government's implementation of the CO.

Choices were made in both the frequency and way that the COs were used for monitoring. Each year the leading group of the National Coalition prioritised themes, task forces with about 6–12 members were formed to work on specific issues outlined in the observations. These task forces would each take a topic such as children with disabilities and the CRC, ecological rights or custody issues.

At the time of the study one task force was tracking the theme Children without a German Passport – a life without rights? that focused on the federal government's failure to withdraw the reservations. The task force also held a symposium for members of the coalitions, politicians and other experts in the field. Training and publishing information booklets on CRC issues is a key part of the coalition's strategy. Monitoring relevant government departments responsible for the interpretation and application of the Convention and COs was central to the coalition's work.

The government submitted its second report to the CRC and the coalition recently followed with its own one. The observations are once again under review as the coalition assesses progress since considering the first one. In a country where the Convention is still unknown among most of the population, where children are relatively low on the national agenda and where the COs seem to have little impact on changing national laws and policies, the German coalition believes that there is a great deal more work ahead in not only monitoring but also influencing the government to take its Convention obligations more seriously.

India

Centre for Organisation, Research and Education (CORE)

Core is an indigenous peoples' NGO in Manipur state in north east India where around four per cent of the country's people live.

Almost half the country's population is under 18, that is 500 million children and young people. This poses enormous challenges for the government in complying with the Convention's standards, a job made even more difficult given the complex system of governance embracing national, regional, local and communal levels. India is a union of 28 states and seven centrally administered territories. The states have their own legislative assemblies and in certain cases a second chamber. All members of the legislative assemblies are elected. Governors head each state and are appointed by the President. They normally exercise the same powers in the states as the president does at the union government level. As in the central government, each state has a cabinet headed by the chief minister responsible to the elected State Legislature.

India also has many indigenous peoples groups, however the national statistics do not sufficiently reflect this. The majority of indigenous people live in rural regions where infrastructure and resources are far below that of urban areas. Displaced indigenous people living in city slums do not figure in the statistics, so children from these families are likely to be among the population most at risk.

CORE's experience

CORE's work in Manipur state involves achieving sustainable development and upholding the rights of those who live there.

Since 1998, when CORE submitted its alternative CRC report, indigenous children's issues have become a substantially larger part its activities.¹⁶ Part of this is down to taking on more dedicated workers, but another main reason is growing global awareness of children's rights.

The local authorities recognise CORE as a leading voice in this area and the Manipur government invited it to sit as the new member of the then newly formed committee monitoring implementation of the Convention in the state. CORE developed a handbook on children's rights for local government, civil society members and traditional leaders. UNICEF's support made the project possible. CORE also facilitated and supported a network of indigenous children in Manipur to monitor rights violations, and they took part in a campaign to end torture.

The CRC discussed India at its 23rd session in February 2000.¹⁷

CORE's view

But according to CORE co-director Ana Pinto: "The Indian Federal Government pretty much forgot the COs less than 18 months after receiving them from the CRC."

The reasons for this are clear: the key concerns CORE raised in its reports have far-reaching consequences for India's government and touch on highly sensitive issues.

Of course they have an impact on the country's development programmes and policies for marginalised groups such as indigenous peoples. But there are implications beyond that for those in positions of power, the concerns raise questions about security, for example children in armed conflict situations. Attention to the recommendations on these issues would engage not only the traditional agencies that deal with children's welfare concerns such as the Department of Women and Children or the Departments of Education or Health. It would also require considerable involvement and commitment from those who are both less informed regarding the state's rights obligations and who think very differently, for example regarding defence or economic development having far greater priority.

¹⁶ See <http://www.crin.org/resources/infoDetail.asp?ID=57>

¹⁷ [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/6bfe919a361e8a498025687f005c9062?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/6bfe919a361e8a498025687f005c9062?Opendocument)

Achievements and Recommendations of the Concluding Observations

Recognition of achievements:

- broad range of constitutional and legislative provisions and institutions;
- the National Human Rights Commission;
- the National Commission for Women;
- the Scheduled Castes and Scheduled Tribes Commission; and
- reference to human rights provisions in the Supreme Court.

- implement children's rights education at all levels of society;
- abolish discriminatory practices;
- prohibit all forms of physical and mental punishment;
- set up inclusive education and other support care programmes for children with disabilities;
- bring in Integrated Management of Child Illness strategy;
- strengthen existing reproductive and child health programme;
- commit to Habitat 11 regarding children's access to housing;

Recommendations for action:

- introduce full compatibility between the Convention and legislation;
- allocate more resources for effective legislation implementation;
- introduce national action plan to implement Convention;
- systematically analyse budgets for impact on child rights;

- implement free and compulsory education for all children;
 - legislate comprehensively to protect refugee and asylum seeking children;
 - introduce measures to eradicate child labour; and
 - eradicate child prostitution and trafficking.
-

Serious attention to the committee's recommendations would also expose the cost of India's economic and political development on the weakest and most disenfranchised of its peoples.

First Concluding Observations

CORE felt compelled to submit a report since the initial State report did not address Manipur state where a long-standing, low level conflict exists between the Indian armed forces and indigenous and tribal peoples and their militias. CORE's report identified two areas of serious concern. The first was the need to support young people caught up in conflict situations. The second raised worries over violations of the indigenous children's identity, neglect of their rights and destructive efforts to assimilate them, sometimes by force. CORE recommended the federal government act immediately to implement the Convention and end discrimination. CORE was pleased to see that its recommendations were included in the COs and this served as a strong impetus to monitor their application. The organisation also saw this as an important chance for the global indigenous peoples community which, until then, had not been given any real attention by the CRC Committee.

CORE has used the committee's recommendations for monitoring the implementation of the government's obligations at both state and national level. It has assessed the impact of policies and programmes on indigenous children and on those youngsters in armed conflict situations and compared them to the recommendations with a view to further reporting and advocacy. The findings have also been passed to children so that they can make up their own minds about the government's performance vis-à-vis its obligations. Through this process the children have also become familiar with the international community and how it works. As a result of these activities the relationship between CORE and local and regional governments has become more dynamic. CORE's views are acknowledged in regional government policy discussions on children. But although it has gained some recognition as an authority on indigenous children's issues there has been little progress in improving the status of indigenous children. Alternative reports by NGOs and the concluding recommendations of the committee's second review in 2004 are evidence that the Indian government continues to fail to address this pressing problem.¹⁸

¹⁸ See alternative reports from India at <http://www.crin.org/resources/treaties/list.asp?ID=37&type=session>

Jamaica

The Jamaica Coalition on the Rights of the Child (JCRC)

The JCRC coalition, which began in 1989 when the Convention came into force, is made up of five NGOs and UNICEF. Its initial aim was to make the Convention known to those key government institutions and NGOs and to have the Convention ratified. Over the years it has evolved into a widely recognized human rights network with over 15 members and a full programme of activities aimed at promoting the Convention's implementation. JCRC's mission is to advance and protect children's rights.

JCRC's experience

It presented an alternative report in the initial reporting process in 1995¹⁹ and subsequently developed ways to monitor implementation of both the COs and the Convention as a whole. The CRC met with the Jamaican government in 1995 to consider its report and then issued COs.²⁰

Key developments

The recommendations posed a big challenge. JCRC held a workshop to examine them and to define a medium term monitoring and advocacy plan, as well as strengthen its institutional capacities. The outcome of that workshop led to a couple of important initiatives. In its effort to ensure that no opportunity was lost in including the recommendations in national policy, JCRC collaborated with the prime policy drafting department, the Planning Institute of Jamaica, which at the time was in the final stages of preparing the government's five year plan.

While the Planning Institute was interested in the coalition's proposal to have the COs reflected in the national policy plan, it also recognised that the inclusion was only feasible with assured funding. UNICEF's membership of the coalition at that time brought some of that assurance since UNICEF was committed to supporting CO's implementation. Secondly JCRC executed a large and carefully targeted education and awareness raising campaign to make both the Convention and the COs known primarily among key groups and institutions at both government and civil society levels. For this purpose they produced a reader-friendly publication that explained the Convention's articles, the recommendations and summarised existing legislation concerning children in Jamaica. *Children Have Rights Too* provided a comprehensive comparison between the Convention and Jamaican law and continues to be a valuable tool for the coalition.

Monitoring methods and outcomes

The COs are essential to fulfilling the network's mission and are part of the framework for action. Consequently the coalition monitored all items in the COs with varying degrees of detail depending on the significance of each item, available resources and access to reliable data/information.

Over the eight-year period between the initial and second reporting to the committee, JCRC monitored all sections of the COs consistently. Positive factors were monitored shortly after the COs were issued, and then at regular intervals.

Difficulties impeding implementation were monitored continuously by sustained activities throughout the two reporting periods. General measures of implementation were comprehensively assessed for preparing the periodic alternative report. Definition of the child was continuously monitored since it was part of the campaign to raise the age of criminal responsibility to 17. Civil rights and freedoms were assessed for the preparation of the periodic alternative report. Family environment and alternative care were periodically monitored. Basic health and welfare were monitored at set intervals. Education, leisure and culture were monitored periodically usually because of rights violation complaints. Special protection measures were monitored continuously.

¹⁹ See <http://www.crin.org/resources/infoDetail.asp?ID=226>

²⁰ See [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/cc8ce3dfd9b0c9fc412561510060c3b0?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/cc8ce3dfd9b0c9fc412561510060c3b0?Opendocument)

Achievements and Recommendations of the Concluding Observations

Recognition of achievements:

- the Jamaican government's intention to include child rights in the constitutional reform and in the legislative review process, designed to bring national law into conformity with the Convention's provision; and
- the intention to issue a policy statement on children, the drafting of the five-year development plan for children and other measures to ensure the Convention's implementation.
- The committee noted that economic constraints affected children badly and some of Jamaican society's attitudes, traditions and prejudices about children caused problems, especially for girls and disadvantaged young people.

Recommendations for action:

- new legislation to tackle issues such as defining what a child is, minimum age of criminal responsibility, employment, parents' responsibilities, protection from abuse, the operation of the juvenile justice system;
- establishment of a new integrated system of monitoring to include all government departments, NGOs and parliament members;

- ways of ensuring that maximum available resources are allocated to children's needs;
- set up a national education campaign to raise public awareness of the Convention;
- pay greater attention to Article 2 to combat traditional attitudes and stereotyping of girls, children with disabilities, youngsters affected by HIV/Aids;
- introduce measures to make registering births easier;
- pay greater attention to Article 18, devote more resources to parents and family planning;
- take measures to combat abuse and draw up rehabilitation programmes for those affected;
- create a system so children can report abuse and cases be investigated;
- expand and strengthen primary health care;
- prevent and combat child labour; and
- undertake reform of the juvenile justice system so that it reflects the Convention and other inter-national treaties.

JCRC used standard methods of monitoring throughout. The coalition started by holding planning meetings to determine the aims and methods for monitoring and designating responsibilities. They established ways to measure the progress being achieved in the selected areas. Developing a database with national/local newspaper articles, reports and research findings, as well as other documents on issues covered by the COs has proved to be worthwhile for gauging the perceptions of special interest groups and of the public at large. JCRC has seen a steady increase in the frequency with which the newspapers covered items on children's rights, particularly from a rights violation perspective. Journalists were becoming more attuned to children's issues and increasingly relied on JCRC for providing the rights perspective and opinions.

JCRC hosted public meetings to review progress in implementing the COs. These meetings brought together a cross section of society, including children and young people. JCRC continues to encourage youngsters to participate in these review meetings, since the coalition strongly believes in the child's rights to free expression (Article 12). Its bold stance in empowering children and young people has often been criticised by sceptics who accused the adults within JCRC of manipulating the young people. On the contrary, JCRC has for several years consistently developed and strengthened its capacities working with children and young people on an equal basis. The young people are fully integrated into the coalition and actively share the monitoring and advocacy tasks. JCRC's youth arm has brought vibrancy and added recognition, which would not have otherwise been possible for the network.

JCRC's executive committee and programme coordinator form the coalition's core. The current president is a well-known lawyer who was involved in the women's rights movement, known for its strong adversarial approach in promoting women's rights. Along with the executive and programme coordinator, the president has often called on government officials for information and explanations on a variety of issues, especially those that appear to be neglected or inadequately addressed. CO-related issues such as improvements to the education and juvenile justice systems, the support of the Child Care and Protection Act and institutional care of children are just some of the areas that JCRC has consistently monitored through continuing talks with government officials.

JCRC conducts independent surveys for monitoring purposes. When the Jamaican government announced that added measures had been taken to make primary education accessible to all children,

the coalition surveyed several schools to determine how many were charging fees and the impact of these on school attendance.

Partly through the inspiration of the Committee on the Rights of the Child, JCRC began giving greater attention to children's stake in the national budget. Economists were recruited to analyse the national budget shortly after its presentation in parliament. Each year the economic reports were shared with a select group of children and young people from various schools at a specially arranged meeting. With the economist's guidance the children and young people reviewed the national budget, drew certain conclusions and prepared a list of issues addressed to the Minister of Finance.

Each year JCRC then sent the economic report along with the children's list of issues to the Minister of Finance. Once the minister acknowledged the report and responded to the concerns outlined. More recently the study has led to other issues being studied, such as how budget restrictions have affected conditions of children in care homes, the impact of rural poverty on young people, as well as current health trends, such as immunisation.

With no children's ombudsman in place, JCRC has increasingly responded to individual claims of child rights violations. Several were in relation to schools – of children treated unjustly or the poor handling of violent incidents. Others related to areas under the special protection measures, such as children in prisons or children abandoned by parents who migrated. While monitoring forms part of JCRC's reason for intervention the primary purpose is mainly to take remedial action and ensure that justice is served where it has been violated.

The coalition has grown more strident in its call for the implementation of the Convention. JCRC's stridency comes at a price. Unlike the previous UN summit on children when it was included in the government appointed follow-up committee, it was excluded from the inter-sectoral committee to draft the National Plan of Action following the second UN Special Session on Children. JCRC is, however, undeterred and continues its work in monitoring and advocacy particularly on issues such as HIV/Aids, legal reform and education. In spite of recurrent funding difficulties, limited membership support, government opposition, a committed core within JCRC continues to do remarkable work in monitoring the implementation of the recommendations. During the preparation of this paper JCRC participated in the CRC's consideration of the second state report.²¹

²¹ See [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/a7b97f92844d9b12c1256af000347508?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/a7b97f92844d9b12c1256af000347508?Opendocument)

The Netherlands

Kinderrechtencollectief (KRC)

The Dutch NGO Coalition for Children's Rights (Kinderrechtencollectief (KRC)) was formed in 1995. It now has a membership of over 50 organisations and individuals and a core group including Defence for Children International (DCI), UNICEF, Save the Children, the National Youth Council, Plan Netherlands, National Association for Child and Youth Legal Advice Centers, Netherlands Institute of Child and Welfare (advisory role) and the National Youth Group. This large gathering has successfully raised its profile as a leading child rights network. KRC's aim is to ensure the Convention's requirements are carried out and its challenges met, with the ultimate goal of incorporating it into Dutch society. The core group, most of whom were founders, has consistently worked together on a range of child rights issues on the coalition's behalf. Knowing each other well has undoubtedly contributed to the coalition's success and its reputation for being a highly organised and effective network.

KRC's experience

The Dutch coalition prepared its first alternative report to the CRC in 1999. Its updated one was submitted around two years after the state report to the Committee.²²

COs of the CRC on The Netherlands were issued at the 22nd session in 1999.²³

Achievements and Recommendations of the Concluding Observations

Recognition of achievements:

- the commendable degree of enjoyment by children of their rights through the establishment of infrastructure, comprehensive policies, legislation and administrative and other measures;
- commitment to child rights in development assistance programmes;
- the UN target of 0.7 per cent of GDP for development has been exceeded;
- efforts to combat child sex tourism; and
- ratification of the Hague Convention 1980, Civil aspects of International Child Abduction and the Hague Convention 1993.

Recommendations for action:

- conclude bilateral agreements with states that are not parties to Hague Convention;
- increase number of places in residential homes;
- implement promptly monitoring and reporting systems for

the prevention of child abuse, protection and rehabilitation to victims;

- take adequate measures to ensure confidentiality for children in the health system;
- undertake breastfeeding promotion campaign;
- introduce human rights issues in school curricula;
- make efforts to prevent bullying in schools and strengthen structures to enable children to address and resolve this problem;
- set 18 years as age of recruitment for young people into armed forces;
- stop children being used as prostitutes and ensure asylum-seeking procedures effectively protect children;
- adopt a comprehensive action plan to prevent and combat commercial sexual exploitation of children;
- provide further assistance to children at risk;
- ensure that no child under 16 at the time a crime is alleged to have been committed is tried in an adult court.

KRC and the reporting process

KRC's alternative report took a proactive rather form. This enabled it to study what it regards as the main problems relating to children's rights in the Netherlands.

²² See <http://www.crin.org/resources/treaties/list.asp?ID=153&type=ctry>

²³ See [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/e0e04b561bed3a02802568110049a678?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/e0e04b561bed3a02802568110049a678?Opendocument)

One of the report's most striking features was the degree of involvement children had in the preparatory process. There was a serious effort to incorporate their views in the report and to ensure their attendance at CRC meetings. KRC is repeating this important development of enabling children and young people to represent themselves, using the lessons learned from the previous reporting period.

KRC regards the COs as an important benchmark for assessing the Netherlands government's progress and commitment to implementing the Convention. Consequently that document has played a fairly central monitoring and advocacy role.

The COs were a reference point for KRC's work in monitoring the implementation of the CRC. However other factors weighed more heavily in defining the areas for monitoring. Member organisations' thematic interests strongly influenced the choices over which issues were monitored. Some members' interests corresponded with areas outlined, making the committee's recommendations valuable for gauging progress.

An example of this convergence can be seen in DCI Netherlands work on refugee and asylum seekers and the recommendation for this group in the section on special protection measures. DCI has for several years monitored the situation of refugee and asylum seeking children and has a greater knowledge of the issues than was covered in the COs. As a result of this in-depth work DCI prepared a special supplementary report for the Committee in the coalition's name for the 2003 session.²⁴

Members' thematic interests also determine where resources for monitoring are spent. KRC has maintained a loose internal structure, devolving a significant part of the work and responsibilities to members, in particular those in the core group. Monitoring functions are shared among members whose work with or on behalf of children also involves this. KRC benefits from members' monitoring work since there is a high degree of trust, an established culture of cooperation and equitable working methods. This is by no means an easy achievement, since there is an acknowledged degree of competition among members to maintain visibility as distinct organisations for, among other things, funding purposes.

A third factor determining what and when monitoring takes place is significant events external to the coalition that have an impact on children in The Netherlands. Like the Convention, the COs are used as a reference for assessment, as well as a guide for defining what course of action ought to be taken. A notable percentage of the areas outlined in the COs were monitored on that basis and action taken by coalition members, whether individually or collectively. For example, a regional childcare agency raised concerns that the government youth care programme did not extend to children without legal status. KRC decided to bring this to the attention of the press and simultaneously addressed the government on the apparent contradiction of the country's policy with the standards outlined in the CRC and recommendations regarding stateless and refugee children. The core group agreed that this issue should be taken up by the KRC, as a lobby group it had more impact than any single member organisation could achieve.

Although the COs were not the coalition's primary monitoring tool, they served as a valuable reference for assessing the state's progress in implementing the Convention. The coalition's choices and working methods are determined internally by member interests and resources, as well as externally by national, regional or community events that the coalition perceive as having significant effect on children.

Monitoring activities

One of the most significant achievements is government recognition that KRC is a legitimate independent network defending children's rights.

Twice a year KRC meets with the Inter-Ministerial Working Group on Child Rights. This was set up by the federal government, after the initial reporting to the committee, to ensure a higher degree of coordination and cooperation among government departments in the implementation of policies and programmes for children. Although the committee's influence within a complex government system is

²⁴ <http://www.crin.org/resources/infoDetail.asp?ID=3781>

not readily clear, it does serve as an important focal point for monitoring the implementation of the Convention and carrying out the recommendations. Through this committee KRC receives grants for CRC awareness-raising programmes for children and local authorities.

The relationship between the committee and KRC is developing. Presently they have joint activities that serve their mutual interests. Collaboration takes several forms, be it providing finances to do joint projects or having a government representative join a steering group for a coalition project. This close working has not compromised KRC independence.

KRC sees the potential in working with the inter-ministerial committee over time. Presently the areas covered by this committee are relatively narrow. In KRC's view important issues, such as Dutch youth policy and the government's vision and plans in relation to implementing the CRC, are yet unexplored. Given the central role played by this committee KRC regard the consultative relationship vital for monitoring and advocacy. They were invited by the inter-ministerial committee to make comments of the draft periodic State report during its preparation.

Monitoring methods

A range of monitoring activities were pursued, such as:

- identifying and observing the work of government institutions responsible for implementing the concluding observations. This included the departments responsible for education, justice and social welfare;
- identifying and observing the work of regional and municipal government departments responsible for implementing the COs;
- developing a database from a range of sources and on various children's rights issues. Newspaper articles, government and independent reports, research findings and other kinds of publications constituted the database;
- holding review meeting and workshops. Review meetings are meant to give member organisations the possibility to contribute to the coalition reports and statements;
- producing case studies. DCI conducted a study on the situation of certain groups of children in the Netherlands who were deemed illegal. Study compared the country's policies and manner of handling these children with the standards in the Convention. The outcome was shared with the coalition;
- conducting polls and interviews with various target groups. Investigating cases of child rights violations; and
- forming special interest groups to conduct activities including monitoring, as well as producing materials for local community groups and youth on children's rights.

New Zealand

Action for Children and Youth Aotearoa (ACYA)

Action for Children and Youth Aotearoa (ACYA), which first formed in 1994, is a child's rights coalition made up of a cross section of NGOs and individuals. AYCA pays great attention to representing the country's cultural diversity and has exemplary commitment to indigenous peoples' issues. The incorporation of Maori language in the body of the coalition's text attests to that. ACYA seeks to promote respect for children and youth and their rights. The Convention underpins its work.

ACYA's experience

In 1995 the New Zealand government reported to the CRC on the country's progress in implementing the Convention.²⁵ ACA, as the coalition was then, prepared an alternative report on behalf of NGOs in and three members presented it in 1997.²⁶

The new form of the coalition, ACYA, started in 2002 when the New Zealand government prepared the second periodic report.²⁷ This preparatory process also served to breathe new life into the coalition and to define future action.

The second periodic state report afforded ACYA the opportunity to change its strategy at several levels. The coalition broadened its support, expanding membership to 15, and strengthened its capacity by employing inclusive and participatory approaches that were attractive to members and supporters. It enabled individuals and organisations to acquire real political clout on children's issues since the coalition serves as a platform for making their voices heard.

It gave a legitimate voice to children and youth and increasingly became a network they recognised and respected. And it ushered its members into an international arena where it was in contact with the CRC and members of the international child rights community.

ACYA's evolution into a larger, stronger network is in many ways attributed to the consistent and long-term achievements of the core group members who worked as volunteers.

The New Zealand government had a constructive dialogue with the CRC during its 14th session in January 1997.

ACYA's view

Although the New Zealand government states that it has implemented the committee's recommendations, ACYA has another view. Most of the recommendations made in 1997 have yet to be fully implemented. Inequality and poverty, violence, discrimination and limited opportunities for participation in their culture, communities and schools affect many children and young people. The rights of many Maori tamariki and rangatahi, Pacific and Asian children and youth, and asylum-seeking youngsters are not being adequately addressed. Some existing laws are inconsistent with the Convention. Elimination of child poverty and improving services for children and youth are low priority when budgets are set and coordination is poor.

Using the COs

Prior to the AYCA project few network members consistently monitored and advocated on issues highlighted in the COs. One such is corporal punishment in the home, a practice which a few NGOs, led by EPOCH, consistently called to be outlawed. The CO also demanded greater alignment between national law and the principles and provisions of the Convention. Youth Law, a leading advocate for children, has for several years lobbied government on its inconsistency and failure to implement policy

²⁵ [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/7a56fc7de1a7023fc12563e70033a9e4?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7a56fc7de1a7023fc12563e70033a9e4?Opendocument)

²⁶ See <http://www.crin.org/resources/infoDetail.asp?ID=522>

²⁷ See [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/a83b051441cc4264c1256d5900344e7d?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/a83b051441cc4264c1256d5900344e7d?Opendocument)

Achievements and Recommendations of the Concluding Observations

Recognition of achievements:

- adoption of the Domestic Protection Act 1995 providing greater protection for domestic violence victims and in particular protection for children;
- increased use of monitoring procedures to assess the impact on children of proposed legislation and policies;
- application of age discrimination provisions of the Human Rights Act 1993; and
- The Youth Parliament initiative towards realising Article 12.

Recommendations for action:

- withdrawal of the reservations and extending application of the Convention to the Tokelau territory;
- a comprehensive policy statement with respect to the rights of the child;

- bring existing laws in line with the Convention;
 - review of the data collection system giving priority to the identification of appropriate disaggregated indicators;
 - greater resources to the most disadvantaged groups so their economic, social and cultural rights are realised;
 - conduct a study on single parent families and institute measures to avoid potential negative consequences for them in future;
 - study on the possible causes of youth suicide and the characteristics of those who appear to be most at risk;
 - review legislation with regards to corporal punishment of children within the family;
 - strengthen existing programmes for Maori children to reduce the gap between them and non-Maori children; and
 - benefits for all refugee children including asylum seekers.
-

reforms. These and other efforts in monitoring and advocacy were essentially defined by the individual mandates of that core group of seven organisations. Coupled with the interest, competence and commitment of an even smaller core of individuals from these organisations, AYCA kept the COs alive in the New Zealand government's mind. Equally important, it provided a credible base for re-launching the coalition in anticipation of the first periodic report to the CRC.

Standard methodologies were adopted by ACYA for monitoring the implementation of the COs. Key government departments were consistently observed. Particular attention was given to policy and programme decisions made by sections within the government responsible for the COs. The coalition observed various government departments. Additionally, ACYA representatives also frequently held meetings with relevant government officials. Comparative studies between the COs and national laws and policies were employed to assess the government's level of compliance.²⁸ ACYA supported the comparative Innocenti report on the impact of the economic reforms on New Zealand's children. Its youth offender survey and the ongoing care and protection work monitor the government's progress implementing the recommendations. Meetings, hearing and workshops were held to review progress at government and civil society levels. In preparing the second periodic report AYCA divided the COs thematically among the working groups.

Overview

AYCA believes the New Zealand government has made good progress in creating policy frameworks in response to the COs, but little progress has been made in resourcing the government departments responsible for these policies. It was felt that the COs would be more effective if they gave greater guidance and made strong links between the range of recommendations. For example, the COs are potentially vital in combating child poverty if more was done to show the interdependence of interventions around poverty, education, health, and how they ought to be timetabled for implementation. Spurred on by taking part in the CRC's second reporting process, ACYA has had a rebirth. Now it is poised to do even greater work in child rights monitoring and advocacy.

²⁸ See <http://www.acya.org.nz/Default.aspx?tabid=27>

Pakistan

The Society for the Protection of the Rights of the Child (SPARC)

SPARC promotes and protects the rights of children in Pakistan, using international standards, through advocacy supported by research, awareness raising, service delivery and capacity building.

The NGO, started in 1992, has been working exclusively on child-related issues since then with the Convention underpinning all its activities.

Since its initial focus on protecting breastfeeding benefits from the marketing onslaught of baby milks and foods, SPARC has expanded its work. It now includes other issues such as child labour, juvenile justice, education and violence against children. At times it has campaigned on issues that also affect young people, such as corruption.

SPARC has shed light on the concept of child rights and in raising issues that were previously not part of the national debate. While resolutely independent, SPARC has found it useful to engage with the government about its commitments.

The Pakistan government met the CRC for its 6th session in 1994.

*Achievements and Recommendations of the Concluding Observations*²⁹

Recognition of achievements:

- national conference in 1991 to discuss survival, protection and children's development;
- government's support for SAARC Decade for Girl Child;
- willingness to accept refugees, especially from neighbouring countries;
- review children's national plan of action;
- set up inter-ministerial body to review COs and set follow-up course;
- apply article 4 on the best interest of the child;
- make Convention widely known;
- improve primary health care, family education and planning;

Recommendations for action:

- government to review and withdraw Convention reservation (that the CRC's provisions shall be interpreted in the light of principles of Islamic laws and values);
 - tackle girls' high illiteracy rate;
 - review juvenile justice system's compatibility with Convention; and
 - abolish flogging and death penalty for under-18s;
 - evaluate measures dealing with child exploitation.
-

SPARC's experience

The COs received little attention from government in the immediate months following the initial session and none after. The COs rapid decline in influence is attributed to a number of factors, not least of which is the low priority given to children on the national agenda.

In 2003 the CRC considered Pakistan's second report which was several years late. After the military takeover in October 1999, SPARC was made a member of the Steering Committee on the UN General Assembly Special Session on Children. Besides pressing on a number of other child-related issues, SPARC started asking the Pakistan government to file its second report.

In its the alternative report to second period in 2003, SPARC observed that in the 12 years since ratifying the Convention, there had been little improvement in the state of Pakistan's children. It then outlined 51 national goals for children, which were either not done or only partially accomplished.

²⁹ See [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/170fa78a5364b104412561510038866a?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/170fa78a5364b104412561510038866a?Opendocument)

Monitoring methods reveal bleak picture

Guided partly by its interests, such as child labour, exploitation, juvenile justice, and the girl child, SPARC has established a set of indicators for assessing changes in the target populations. It closely monitors media publications and announcements to assess the degree of importance children have in this sphere, but also the way the public receive the information. SPARC sees the media as important way of gauging the public's perception of children and their issues. This information feeds in to a larger resource bank on children. Sources are varied and include NGOs, government departments, and academic studies. This bank is very important for SPARC's research, publication and advocacy. Beyond that it provides credibility for SPARC, as a reputable authority on children's issues.

SPARC's experience of investigating child rights violations has also helped it take a lead to improve protection for victims and their rights.

Despite clear guidelines, the Pakistan government has not prepared its compliance reports in accordance with the given procedures. This indicates a lack of commitment to child rights. The first report submitted to the CRC in early 1993 was more a description of social sector goals than an analysis of the State's compliance. SPARC presented a table contrasting those goals and the current position, highlighting which had been met, how many (the majority) had not and those that had deviated. They included goals for laws, education and health and the result was very bleak. SPARC chose not to use the COs as its primary monitoring tool, but as a reference for analysing children's situation.

Conclusions and lessons learned

The case studies reveal useful insights about the way coalitions and NGOs use the Concluding Observations (COs) for monitoring implementation. Although each country's is unique, particularly their socio-economic conditions, there are striking similarities in the reports. This is especially true of the challenges facing NGOs using the COs for monitoring.

These can be broadly summed up as:

- the internal organisation and capacities of coalitions/NGOs to monitor;
- the monitoring methods chosen;
- the role and impact of the COs in implementation; and
- the obstacles experienced by coalitions/NGOs in carrying out effective monitoring.

Internal capacities and organisation

The coalition/NGOs' capacity for monitoring hinges on several factors:

- whether there is funding for this purpose;
- the strength of the organisation in initiating and co-ordinating monitoring activities;
- the ease with which members work together; and
- the strength of the core group and secretariat in fostering and maintaining a degree of co-operation among members necessary for successful monitoring.

These seem to be vital ingredients in enabling effective monitoring to take place, whether on a short- or longer-term basis. A few coalitions, such as Jamaica, had measures in place to enable ongoing monitoring between the initial reporting and the second (or periodic) reporting to the Committee on the Rights of the Child.

Others, such as New Zealand, did a short-term but comprehensive monitoring exercise in preparation for the periodic reporting. However both situations required the same conditions for monitoring to take place.

Coalitions/NGOs have generally tended to work at the central government level, more so those that are based in a country's capital city. The obvious advantage is that monitoring and advocacy at this level can have far-reaching effects across the country. But this is not always the case and coalitions/NGOs have found that working with regional and local governments is crucial in ensuring the full implementation of the COs.

Monitoring methods

This is a systematic process of collecting and analysing of information, which is borne out by the case studies. Most coalition/NGOs observed and collected data on central government institutions or departments responsible for implementing the COs' recommendations.

This was used for developing and maintaining a database for research and action. Investigation of alleged incidents of child rights violations is another approach widely used by coalitions/NGOs. Similarly, they consistently kept themselves informed on changes in national law and policies that affect children. The range of monitoring methods used by Coalitions/NGOs is summarised in Annex 1.

The role and impact of the Concluding Observations

The COs do carry weight in influencing central government laws and policies, but this influence seems short-lived, sometimes just months. This does not mean, however, that the COs are forgotten, rather the evidence of their influence becomes increasingly hard to measure with the passage of time and

introduction of new agreements and commitments made by governments. There was no apparent distinction in this area between the industrialised and non-industrialised countries. Coalitions/NGOs generally thought that the COs, while comprehensive, seem to become irrelevant in the face of new developments within governments.

The COs' influence on regional and local governments were even more difficult to identify and alarming since they have a greater impact on children's lives across the countries. Coalitions/NGOs generally found that the COs were not known by local government officials, not even the language of children's rights was familiar to them, something central government officials were generally able to articulate. NGOs perceive this unawareness among regional and local government as a reflection of the gap that lies between them and central government ministries. Consequently the chances of the COs being implemented at this crucial level are remote. The Netherlands coalition sought to tackle this by holding training sessions on the Convention for local government officials. This is an approach often used by child rights coalitions to improve the environment for Convention's application in children's lives.

While the coalitions/NGOs were generally dissatisfied with the degree to which the COs were implemented, some, such as AYCA in New Zealand, thought that the recommendations would be more effective if they were ranked in terms of relative importance. Recommendations that are fundamental, or which have far-reaching consequences should be highlighted, they thought. Such ambiguity also poses difficulties for coalitions with very limited resources to decide what issues should be their focus for action. The recommendations in the COs are inter-linked and challenge those responsible for implementing them and activists alike on how best to use them to get maximum results. For some the COs' highly diplomatic language created too much room for interpretation and threatened the recommendations' strength.

Compliance and non-compliance to the COs also followed a pattern. Governments were generally better at making legislative changes although they did so quite slowly and not necessarily in full compliance with the Convention's standards. On controversial issues, such as refugee children, governments were even slower in making the required improvements. None of the governments represented in the case studies removed their reservations despite the CRC's appeal in the COs. The pace with which governments take action appears to be strongly influenced by the political climate. Unsurprisingly they are reluctant to take measures that could jeopardise their political credibility and popularity. The stand-off between human rights and political expediency continues.

Effective monitoring – the consequences

Coalitions/NGOs are generally dissatisfied with the level of commitment governments have displayed in meeting the COs' recommendations. Many view the COs as a reasonable step towards full implementation of the Convention. Failure on the government's part was generally interpreted as a lack of political will, or ignorance (as was often the case at local government level), but not a question of insufficient resources. Several were dissatisfied with the limited impact the Convention had over national law and by extension the COs' recommendations. Without legislative power the Convention and the COs would not be sufficiently binding to ensure improved human rights conditions for children. Consequently, many coalitions/NGOs employed monitoring measures to lay a basis for more effective action that would influence the government primarily and other power brokers within their societies. Their consistency in doing so has led to a cooling in the relationship between some coalitions/NGOs and government. Some have, on the other hand, maintained a strong dialogue with the key government sections and officials despite their different positions. Clearly effective monitoring helps to build the organisation's reputation and authority as a child rights defender and, in so doing, gains the respect or at least a listening ear of government.

Annex 1

How the Concluding Observations are used in monitoring the implementation of the Convention on the Rights of the Child

Country	Indicators	Central Gov.	Municipal/ Local Gov.	Database	Hearings/ Enquiries	Survey	Investigate Violations	Budget Analysis	Case Study	Comparative Studies	Impact Studies	Examine law/policies
Bangladesh	X	X		X	X	X	X	X	X		X	X
Canada	X	X		X	X	X	X		X	X	X	X
Georgia	X	X	X	X		X	X				X	X
Germany	X	X			X		X					X
India	X	X	X	X		X	X				X	X
Jamaica	X			X	X	X	X	X		X	X	X
Pakistan	X	X	X	X			X			X	X	X
Netherlands		X	X	X	X	X	X		X	X		X
New Zealand		X			X			X	X	X		X

Key:

1. **Indicators** – established ways of measuring (or indicating) whether progress is being achieved in the selected areas for monitoring
2. **Central government** – identified and observed government institutions/departments responsible for implementing the concluding observations
3. **Municipal/local governments** – the same as above
4. **Database** – developed a database with national/local newspaper articles, report, research findings and/or other documents on the issues covered in the Concluding Observations
5. **Hearing/Inquiries** - held meetings/hearings/Inquiries/ workshops with specific target groups to review progress and collect data
6. **Surveys** – conduct surveys/polls/interviews with various target groups for studies, data collection, and other research purposes
7. **Investigate violations** – Investigate cases of child rights violations
8. **Budget analysis** – whether through internal or external sources, conducted budget analysis on the national budget to determine how much is assigned directly or indirectly to children
9. **Case studies** – produce case studies for various purposes including impact studies, investigations of violations, surveys etc
10. **Comparative studies** – Comparisons between the areas for change outlined in the 11. Concluding Observations and the country reality
11. **Impact studies** – examine the impact of the Concluding Observations on children/young people through collateral groups, such as parents and other stakeholders , for example teachers and youth workers
12. **Examine law/policies** – examine the extent to which existing laws, policies compare with standards outlined in the concluding observations and the manner with which they are implemented

NGO Group for the Convention on the Rights of the Child
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The NGO Group for the Convention on the Rights of the Child is a global network of NGOs, committed to promoting children's rights as defined by the Convention on the Rights of the Child. It is a leading international forum for advocacy on children's issues within and outside the United Nations. Since 1995 the NGO Group has played a leading role in such events as the Graça Machel Study on Children in Armed Conflict, the Stockholm and Yokohama Congresses against the Commercial Sexual Exploitation of Children, the follow-up to the UN Special Session on Children, and the current UN Study on Violence against Children.

The NGO Group is a key partner in working with the Committee on the Rights of the Child, both in contributing to the monitoring work of the Committee and in facilitating the creation of, and support to, the work of NGO networks that advance children's rights at national level.

The Liaison Unit forms an important core area of the NGO Group's work. It was established in the early 1990s to encourage and support national NGOs in participating in the reporting process to the Committee on the Rights of the Child. It seeks to strengthen cooperation between the global NGO community and the Committee. The Unit also monitors the work of national child rights coalitions worldwide and provides technical support to them in order to effectively promote monitoring and implementation of the Convention.



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The Child rights Information Network (CRIN) is an independent forum for the exchange of information that assists the work of all those committed to the implementation of the UN Convention on the Rights of the Child. CRIN aims to democratise information on child rights and to encourage information sharing between different parts of the world and different actors in the implementation of the UNCRC. CRIN was formally established in 1995 but has a history dating back to 1991.

Information is disseminated to thousands of individuals and organisations around the world, including over 1,400 organisations that have formally joined as members to the Child Rights Information Network.

The CRIN-NGO Group Joint working Papers are published occasionally by the Child Rights Information Network, and can be downloaded in .pdf format at www.crin.org/about/working-papers.