

ROLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS IN THE PROTECTION AND PROMOTION OF THE HUMAN RIGHTS OF CHILDREN

Manila, 9 – 10 September 1999

Background

At its meeting held 20-22 April, 1999, the International Coordinating Committee (ICC) of national institutions for the promotion and protection of human rights, emphasized the important role that national institutions can play in the protection and promotion of human rights and agreed that the rights of children should be a priority in the work of national institutions, as agreed at the World Summit, held in 1990 and the World Human Rights Conference, held in 1993. While recognising that States parties are primarily responsible for the fulfillment of the rights enshrined in the Convention on the Rights of the Child, the ICC reaffirmed that there is a complementary but vital role to be played by national institutions. It was also agreed that national institutions should be actively engaged in the celebrations marking the tenth anniversary of the Convention on the Rights of Child at the international and national levels.

The Asia Pacific Forum of National Human Rights Institutions, currently consisting of representatives of the national commissions of Australia, Fiji, India, Indonesia, New Zealand, Philippines and Sri Lanka, together with representatives of national commissions of Canada, Mexico and South Africa, the Commissioner for Children of New Zealand, representatives of Governments, UN agencies and NGOs met in Manila, the Philippines, on 9 and 10 September 1999. The seminar, organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR), aimed to identify and exchange information on best practices and challenges facing national institutions in the protection and promotion of the human rights of children, to advance the full realization of the rights of children and to facilitate a closer dialogue between national institutions and the international human rights bodies .

The national institutions welcomed the active participation of United Nations experts in the seminar, including the Chairperson of the Committee on the Rights of the Child ; the Chairperson of the Committee on Economic, Social and Cultural Rights; the Vice Chairman of the Human Rights Committee and the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography.

RECOMMENDATIONS FOR ACTION

All countries whose National Human Rights Institutions were represented at the seminar have ratified the United Nations Convention on the Rights of the Child which promotes the principles of non-discrimination; best interests of the child; the right to life, survival and development; and respect for the views of the child.

Mindful of the gap which exists between the promise held out by the Convention and the reality that the rights of children everywhere continue to be violated, the seminar requested the consideration, as appropriate, of the following matters for further action:

I. To National Human Rights Institutions

1. To lobby for universal ratification of international instruments relevant to the promotion of children's rights, and encourage States to review their reservations and declarations with a view to withdrawing them
2. Encourage the full integration of the Convention on the Rights of the Child into the legal and organisational structures, activities and programmes of National Institutions
3. Agree that recognition of children as holders of rights and respect for the views of children should guide the work of National Institutions
4. National Institutions in all their work with children should engage in direct and widespread consultation with children to establish a child's perspective on the issues
5. Recognise the diversity among children and ensure that their programmes are directed particularly to the rights of the most marginalised groups
6. National institutions should promote an awareness of their role in protecting and promoting the rights of children, to children and adults, taking account of the importance of the family as the fundamental group of society and the natural environment for the growth and wellbeing of children
7. Establish visible mechanisms to focus on the human rights of children in national institutions and encourage easy access by children and direct contact with them
8. Collaborate with other bodies concerning breaches of rights and complaints made by children and their representatives
9. Strengthen National Institutions' mandates where necessary to enable them to investigate violations of children's rights by individuals and private bodies as well as by the State

10. Initiate the investigation of violations of children's rights and establish effective remedies for children, in particular in respect of children in institutions of state care
11. Strengthen National Institutions' mandates to allow for submission of complaints from children, their representatives and NGOs
12. Ensure the establishment of effective complaint handling systems, that are well publicized and easily accessible to children and their representatives
13. Ensure the allocation of appropriate human and adequate financial resources within the institutions' budget dedicated to the promotion and protection of children's rights
14. Carry out public inquiries, based on standards embodied in the international human rights instruments, to address systemic violations of children's rights
15. Promote the establishment of mechanisms for the collection of data to produce indicators that will enable governments and relevant agencies to make informed decisions about the actual situation and needs of children in the development and implementation of policies and programmes affecting them
16. Encourage consultation between governments, National Institutions and NGOs on the reporting process to the Committee on the Rights of the Child, and consider providing additional reports to the Committee
17. Promote collaboration between National Institutions on children's rights issues requiring trans-national action – abduction, trafficking and sale of children or their organs, sexual exploitation and child pornography, etc.
18. Advocate on behalf of children at all levels of government with regard to national policies and programs which may affect children
19. National Institutions should seek to ensure that all policies, programmes and legislation adopted by Government at all levels take into account their impact on children
20. Promote the development of a culture of rights, in particular through human rights education and by raising awareness and understanding of the Convention on the Rights of the Child

II. To the Asia Pacific Forum of National Human Rights Institutions

21. Establish and maintain a network of focal points on the rights of the child within each member institution to facilitate the exchange of information, data and experiences and encourage collaborative work on trans-national and other children's rights issues, as

well as cooperation with relevant national, regional and international organizations both inter-governmental and non-governmental

22. In particular, encourage the documentation and dissemination of positive experiences and sharing of resource material in the promotion and protection of children's rights

III. To the Office of the High Commissioner for Human Rights and other relevant international organizations:

23. Encourage at the international level the study of macro-economic policies and their impact on the human rights of children and continue to promote a "human rights friendly" approach to development
24. Promote dialogue with United Nations agencies, inter-governmental organizations and NGOs and non-state players to ensure that the rights of children are protected and promoted in and through the policies and programmes of those bodies
25. Continue to encourage and facilitate dialogue between United Nations' human rights bodies and national institutions and accord to the latter an appropriate status in UN forums
26. Encourage and facilitate the international dissemination of good practices by national institutions on the protection and promotion of children's rights, examples of which are outlined in annex 1
27. Encourage treaty bodies to invite National Institutions to their sessions and to hold some sessions in different regions to raise awareness of the international monitoring mechanisms and their role in facilitating the implementation of human rights norms
28. Examine the interaction between the drug trade and the human rights of children and recommend methods to prevent and eradicate this menace in collaboration with UN agencies, National Institutions and NGOs

IV. For collaborative action

29. National Institutions, while recognizing their distinct role as independent monitors and advocates for children, should work closely with relevant parliamentary and governmental bodies - national coordinating commissions and similar bodies - and other independent agencies to promote implementation of the CRC
30. National Institutions should cooperate and, as appropriate, coordinate with non-governmental organizations and other actors to monitor and promote the rights of the child

31. National Institutions should encourage governments to commission independent studies and when necessary themselves undertake studies, on the impact of macro-economic policies on children
32. Ensure wide dissemination of the recommendations of this seminar

The National Institutions expressed their deep appreciation to the United Nations High Commissioner for Human Rights, the Asia Pacific Forum of National Human Rights Institutions and the Philippines Commission for Human Rights, for holding this seminar, which allowed an opportunity for an in-depth discussion on a specific thematic issue of great importance.

Annex 1

At the seminar a number of good practices were identified by national human rights institutions in relation to the protection and promotion of the rights of children the detail of which can be obtained from the Asia Pacific Forum Secretariat. These include:

- **National enquiries:** A systemic approach to identifying key human rights issues affecting children. This mechanism also provides an opportunity for children to participate in the process at an informal level, for example, submissions to the enquiry do not necessarily need to be in writing and appropriate measures can be implemented to accommodate and record oral submissions.
- **Collaboration:** An essential element in identifying issues and developing measures to address the human rights of children is communication and collaboration between national institutions, non-government organizations, government, United Nations agencies and children.
- **Strategic lobbying:** A measure whereby national institutions actively engage parliamentarians, media, government agencies, non-government agencies, legal, medical and other professions to raise awareness and achieve practical results for children, for example, introduction of legislation or legislative change that accord with international human rights standards.
- **Pilot and local projects:** A small yet important step to address problems at the local community level. This type of measure, if initially successful, can be replicated or adapted to meet the needs of other communities. Collaboration with the local community, children and other organizations is an integral part of this process.
- **Strategic public awareness and education campaigns:** In drawing upon their education and promotion function, national commissions can develop campaigns to reach the community including the family. Each national institution can develop educational strategies best suited to its local context. National institutions can use their status to encourage eminent, respected public figures to raise the profile and awareness of children's rights issues.
- **Research:** identified as important in providing quantitative and qualitative data that can be effectively used to develop education campaigns, policy and accurate information.
- **Acknowledgement:** national institutions can publicly acknowledge the work of children's rights activists and encourage the continuation of their work.
- **Public Interest Litigation:** third parties bringing cases to the courts on behalf of children to redress violations of human rights, including economic rights

- **Child Friendly Legal Processes:** ensuring that court processes, treatment of child witnesses and legal professionals respect the dignity of the child
- **Training:** developing courses for all relevant professional groups including the judiciary
- **Legislative Review:** reviewing existing legislation to ensure that it conforms with the Convention on the Rights of the Child and put in place a mechanism for ensuring that draft legislation and new policies and programmes conform with the Convention