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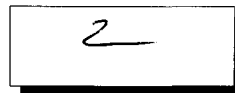
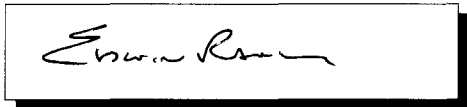
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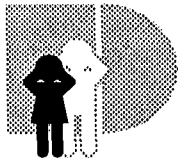
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DCI/UNICEF Briefing Kit
THIRD EDITION — MAY 1989

The future United Nations Convention on the Rights of the Child

Document No. 4

The future Convention: From words to action

■ The implementation mechanism

No matter how innovative or progressive the Convention looks on paper, it will change nothing if the rights it contains are not put into practice. Whether anything is achieved by the Convention — in other words, whether the daily lives of children are actually improved by this treaty — depends on how it is implemented.

Like every other binding treaty, the future Convention on the Rights of the Child has a built-in implementation mechanism designed to ensure that States Parties' obligations are respected. Under this Convention, a Committee on the Rights of the Child is to be set up to consider reports submitted by governments regarding their compliance with the provisions of the text, together with information from other authorised sources. The Committee is to be composed of ten independent experts elected by States Parties and serving in their personal capacity. If it has concerns about any aspects of the reports or other information it receives, or if it wishes to respond to any difficulties that governments have identified as hampering their compliance, it will initiate dialogue with officials of the country concerned in order to find a means of improving the situation. The specialised agencies and organs of the UN (such as UNICEF) will be entitled to be represented at meetings of the Committee, which may call on them, together with other competent bodies (including recognised NGOs) to provide expert advice.

■ The emphasis on cooperation

This gives the Committee a rather unusual thrust as compared to its counterparts for other human rights treaties: the emphasis is clearly more on facilitating compliance — in part through fostering international cooperation — in a non-confrontational atmosphere than on denunciation and “finger-pointing”. This is an undoubtedly positive move. It means in particular that governments should not be prevented from ratifying the Convention simply because there are areas in which they are unable to comply at present due to financial limitations. As a result, the potential for wide ratification, vital for greatest possible impact, is unusually great. At the same time, this does not imply that the Committee has been divested of a monitoring role. It notably retains the right to request further information from States Parties, recommend that studies on specific issues be undertaken, and submit to the UN General Assembly comments and suggestions regarding States' reports.

The clear aim of fostering cooperation through the Committee is a logical extension of the fundamental spirit in which the Convention has been formulated. It reflects, for example, the explicit call for cooperation among States on certain specific issues, such as the exchange of information on methods of education and treatment for mentally and physically handicapped children (art. 23).

A significant obligation placed on States Parties in the context of implementation is that they make their reports to the Committee widely available to the general public in their own countries. This should foster public discussion on the content, and therefore serve as a stimulus to optimal realisation of the rights contained in the Convention.

■ The "informal" contribution

Although implementation is clearly the formal and ultimate responsibility of those individual governments that ratify it, this does not mean that the inter-governmental organisations and the non-governmental community — international, national and local — have little or no role to play. Similarly, whilst the official monitoring body will be the Committee of experts, the non-governmental sector in particular will also surely need to be active in keeping track of governments' compliance with the rights set out in the Convention. Indeed, as noted above, the implementation mechanism contained in the Convention itself already recognises certain contributions that these other bodies can make.

Any consideration of translating "words into action", therefore, must take full account of the important "informal" contribution to be played by outside bodies; this reality does not apply only to the Convention on the Rights of the Child, but is common to all human rights treaties.

■ Promoting awareness

One of the obligations on States Parties will be to make the rights granted by the Convention widely known, to adults and children alike. This is an essential task. Awareness of one's own and other people's rights is fundamental to ensuring the most favourable conditions for their respect. However, that obligation — which will no doubt anyway have to be supplemented in particular by efforts on the part of national NGOs — only comes into effect, of course, once a State ratifies the Convention. Making its provisions known before that time is at least equally important. In that way, sufficient public support can be aroused precisely in favour of their government proceeding to ratification. This is clearly an "implementation-related" function that should be — and in many cases is already being — taken up as of now by concerned organisations at all levels.

■ Efforts at the national level

It is obviously at the individual country level that efforts should be directed first and foremost. It is felt in many quarters that the establishment of national commissions or other groupings, acting as focal points on issues related to the Convention, would constitute a good basis for such efforts. These groupings could, according to each country situation, be non-governmental or mixed, and could take on the coordination of the various tasks involved in the effective promotion of the rights of the child: dissemination of information, monitoring, and fostering or providing appropriate responses to problems identified, in keeping with the principles underlying those rights. Professional associations whose members' work involves children should be particularly active here, and the media have a special role to play in keeping the issue of children's rights alive.

■ Building on international solidarity

Internationally, it will be important to foresee equally effective coordination, drawing no doubt on the positive experience acquired during the drafting of the Convention, which was marked by an unusual level of consultation and cooperation among and between NGOs, the inter-governmental agencies and individual governments.

It is vital, at both levels, that concrete action and assistance be made available when they form the basis for setting in motion adequate responses to particular problems identified through monitoring. This will no doubt often imply advocating for special importance to be granted to meeting children's needs, in view of the relative scarcity of resources. The very existence of the Convention, and its prominent position among international human rights instruments, should give such advocacy efforts unprecedented strength.

Whatever the initiatives that are finally decided upon, by individuals, local and national groups and the international community, they must all take account of an undeniable reality: the Convention is not unlike a motor car. If it is left standing idle in the drive-way, it serves no purpose other than ostentatious display. But if it is used, it becomes a vehicle — and in this case, a much-needed vehicle for improvement in the lives of children everywhere. ■