



**Statement by the Special Representative of the Secretary-General
on Violence against Children**

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**Promoting the ratification of the third Optional Protocol to the CRC on a
Communications Procedure**

1. The third Optional Protocol to the CRC is the most recent child rights treaty

Adopted by the General Assembly in December 2011, it was open to signature exactly a year ago, on 28 February 2012. Today's event is designed to mobilize support for the speedy entry into force of the Protocol and to re-energize actions to promote its effective implementation at the national level.

Since then, it has been **signed by 35 countries** and ratified by two, **Thailand and Gabon** (in September 2012). Many other countries in different regions of the world are working towards the ratification of this new treaty and some are expected to follow very soon.

The OP will enter into force once **ten ratifications** will be reached.

2. Today's event marks the first anniversary of the opening for signature of the Optional Protocol. What is the OP about?

The OP complements and adds value to the CRC and its two initial OPs on CAC and on Sale of Children, Child Prostitution and Child Pornography. The OP3 consolidates the international system of accountability for children's rights and foresees a system of

- individual complaints for the violation of children's rights,
- inter-state communications
- and also of inquiry promoted ex-officio by the Committee in case of grave and systematic violations of the rights of child

3. Why is the OP3 important and special?

Other human rights treaties establish a system of communications that also children can make use of. But this new OP is distinct and special:

- Firstly, communications are dealt with by an expert committee on the rights of the child;
- Secondly, the OP recognizes children's legal standing to seek redress for the violation of their rights – either directly or through a representative;
- Thirdly, OP requires States Parties to establish domestic remedies which will need to be exhausted before the Committee intervenes. Child sensitive procedures and appropriate national mechanisms should therefore be put in place to address violations of children's rights – in this regard, the role of Ombuds for children or similar national independent human rights institutions will be of decisive relevance
- Fourthly, in this process, the rights of the alleged child victims need to be fully safeguarded. For example, all decisions need to be guided by the child's best interest; all safeguards need to be in place to prevent the manipulation, intimidation or reprisal of the child, including by those acting on his or her behalf; and the child should enjoy the right to information, to privacy, to participation in administrative and judicial proceedings;
- Moreover, the OP calls on States to make its provisions widely known and facilitate access to relevant information by "appropriate and active means," which may be easily accessed by adults and children alike. This is a critical measure which needs to be pursued inter alia through wide public information, awareness-raising and education campaigns and capacity building of professionals working with and for children.
- The Rules of Procedure on the OP, recently adopted by the CRC Committee (January 2013) also highlight these important dimensions.

The Rules reaffirm the fundamental principles of the CRC, including on children's best interest and respect for the views of the child. They safeguard the privacy of children concerned and prevent the risk of their identity being revealed publicly without their consent.

The recognize children's right to protection from ill-treatment or intimidation as a consequence of the communication or cooperation with the Committee and foresee even the possibility for the Committee to issue a public statement in case of breach.

The Rules also emphasize the importance of providing information to the child in a manner that is appropriate, accessible and adapted to the child's age and maturity.

And they foresee a child friendly proceeding, including the possibility of the child victim's contribution through video conference and through separate and closed hearings.

4. The effective remedies foreseen by the OP3 are critical to safeguard children's right to freedom from violence

Child victims of violence remain often invisible and ignored in their suffering and trauma. They are frightened to speak up and most of the times do not know where to go or whom to call to seek advice and support, for their recovery and reintegration.

In a large number of countries there are no counselling, complaints or reporting mechanisms to address incidents of violence. Countries frequently lack child sensitive procedures to address incidents of violence and child victims run the risk of re-victimization, stigma and reprisals.

The OP3 opens avenues to promote a strong child protection system to prevent and address these risks. For this reason, I was closely associated with its drafting process and remain strongly committed to its ratification and national implementation.

Also for this reason, the ratification of the Third OP is being pursued as a core component of the global campaign for the universal ratification of the OPs to the CRC.

5. Advocacy for the ratification of the third OP is a priority for the mandate of SRSG on Violence against Children

a) Advocacy for the ratification of the third OP has been a priority dimension for my mandate at the global, regional and national levels – including in the context of field missions, regional consultations and expert discussions. Across regions, there is wide interest in this process and, in many countries important steps are being taken to align national legislation and institutions with the requirements of the Protocol and to prepare the process of its ratification.

This trend was again confirmed in the regional meetings recently held in Turkey, with members of the Council of Europe; and in Cairo with Member States of the League of Arab States – very soon a follow-up meeting will be held with the League on this same process. I am confident these efforts will bear fruits and there will soon be a minimum of 10 ratifications of the OP to enable its entry into force in the course of the next few months.

b) The experience gained so far has highlighted two important lessons.

- Firstly, ratification requires formalities shaped by the Constitutional system of each country and needs to be followed by the deposit of the instrument of ratification with the UN. *Both steps* are indispensable and each one of them has a crucial relevance.
- Secondly, it is important to remember that ratification is not the final stop of our journey. Indeed, ratification marks the start of a never-ending process of implementation, a process that can be actively prepared while ratification formalities are being pursued.

Some steps are particularly important to achieve this goal:

- a) Firstly – **translate the OP into national languages and ensure its wide dissemination**
- amongst the public in general;
 - amongst professionals working with and for children
 - and, very especially, amongst children themselves.

It is with this concern in mind that, in collaboration with partners, we are preparing a **child-friendly version of the OP**, with simple concepts, accessible information and guidance to provide children with the needed information about the Protocol and ways of using it safely and effectively. We hope to launch this child friendly version later this year.

- b) Secondly – **national independent institutions on children’s rights need to be put in place**. These institutions are strategic allies in the national implementation process: being less formal, easily accessible, child-sensitive and with the needed expertise to advise and support children at risk, these institutions provide a sound foundation to prevent and address the violation of children’s rights, including incidents of violence.
- c) Thirdly – **national legislation should be reviewed and, when needed, enacted to ensure conformity with the provisions of the OP** and establish **child sensitive procedures** for counselling, reporting and complaints for violations of children’s rights: procedures children understand and can make a genuine use of, without running the risk of manipulation or harassment; and requiring prompt and speedy response and follow-up from relevant services and institutions.

These issues are high in my agenda and remain a priority in my cooperating with Member States. This is why I have developed, with the Special Rapporteur on Sale of

Children a joint report on child sensitive mechanisms for counselling, reporting and complaints on incidents of violence. The recommendations set forth by this report can be an important tool to assist implementation efforts and are published with the text of the Protocol.

6. Looking ahead

The next few months can be seized to accelerate progress towards the universal ratification of the CRC and its two initial protocols.

Next September, on the occasion of the general debate of the General Assembly, an important UN Treaty Event will be held. This will be a strategic and opportune occasion to assess progress in our efforts. Very especially, it should be an occasion to celebrate the entry into force of OP3.

I am confident you will all join in this endeavour!