

# WHAT is it?



A COMPLAINTS PROCEDURE FOR THE CRC

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The "What is..." leaflets have been developed to support the learning and education of children and adolescents. We gratefully acknowledge the existing resources that supported the development of this material. Some of the content found in the "What is..." leaflets was adapted or taken directly from a variety of sources, including: [www.ohchr.org](http://www.ohchr.org); [www.un.org](http://www.un.org); <http://treaties.un.org>; [www.cyberschoolbus.un.org](http://www.cyberschoolbus.un.org); Child Rights Information Network, Guide to Mechanisms for Children's Rights. England; Child Rights Information Network, 2008. [http://www.crin.org/law/mechanisms\\_index.asp](http://www.crin.org/law/mechanisms_index.asp)

**WHAT** is ?

## **A Complaints Procedure For The CRC**

Dear Reader,

Every year, the United Nations (UN) makes important decisions that affect and impact the lives of children and young people around the world. In 2009, there was a special focus on a child's right: 'to express his or her views freely in all matters affecting him or her' – or, in other words, children's participation.

We saw this as an opportunity to support children's understanding of not only the UN but also other important processes where children's rights are discussed at international, regional and local levels. We hope that this will encourage and support children and young people to get involved in these processes.

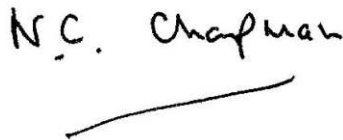
The 'WHAT IS?' leaflets are only one way for you to learn and build a greater understanding and awareness about some of the things that happen at the global/international level. You have a very important role to play in the decisions and processes that affect your life.

This information may be most useful to adults that work with children, teachers, older children, adolescents, youth and young people that are considering ways to get involved in and to influence international or UN related processes.

As needed or requested – we hope to add more leaflets and build on the information that is available to you. As a starting point, we have developed the following leaflets:

- Children's Participation
- The United Nations
- The UN General Assembly
- A Convention and a Treaty
- The UN Convention on the Rights of the Child
- Special Representative
- The Omnibus Resolution
- The Security Council
- The Complaints Procedure for the CRC

Your voice, your experiences and your opinions matter and count! Our hope is that the information found in the 'WHAT IS?' series will support you to learn, create positive change, speak out, take action and have your voice heard.

Handwritten signature of Nigel Chapman in black ink, consisting of the initials 'N.C.' followed by the name 'Chapman' and a long horizontal stroke underneath.

Nigel Chapman  
CEO, Plan International

Handwritten signature of Mark Vogt in black ink, appearing as a stylized, cursive 'M. Vogt'.

Mark Vogt  
Director of War Child Holland

Handwritten signature of Elisabeth Dahlin in black ink, written in a cursive style.

Elisabeth Dahlin, Secretary General  
Save the Children Sweden

## What is a Complaints Procedure for the CRC?

First, an overview to explain what is a 'Convention'...

Conventions are legal agreements made by governments to protect men, women, children and also our planet. They highlight the promises governments have made on an issue (for example: children and women's rights), they are part of the law, and they are not just advice to governments.

There are many different conventions dealing with many different issues (for example: there is a Convention on the Rights of the Child and a Convention to End Racial Discrimination, plus many more)

For more information about conventions and treaties, please see:



**What is a Convention and Treaty?**

Many conventions have what is known as a 'Complaints Procedure' or a 'Communications Procedure'. A Complaints Procedure is used when a person or group of people feel that their rights have been violated. They are able to make a complaint and have it reviewed by a committee at the international level.

For example: the Committee on the Elimination of Racial Discrimination.

Normally, there are processes and authorities available at the local, national and regional level to handle complaints or rights violations (for example: ombudspersons, commissioners, courts and social services). But sometimes these resources are not available, inappropriate or they do not address the complaints in a satisfactory way. When this happens, groups or individuals may have the option to take their issue to an international committee.



In this situation, a “complaint” is a claim/charge against a government for something they may have done.

(For example: violated someone’s rights to be protected from discrimination). It can also include a charge for something they did NOT do or refused to do, to properly protect human rights.

“Procedure” means that there is a set way for doing something. (For example: there are established rules or steps to take when making a complaint)

## What is a “Committee”?

A Committee is a group of independent experts who monitor the implementation of a convention. They accept reports and complaints and make decisions and recommendations about what actions should be taken to improve a situation.

‘Independent Expert’ means that the people who sit on the Committee do not work for a specific country or government.



Each committee has its own ways of working. For example: the details of “how” to make a complaint can be found in a document called, “the rules of procedure”.

There are different committees for different conventions and complaints procedures. Here are a few examples:

Convention	Committee that will review complaints
Convention on the Elimination of Discrimination against Women	Committee on the Elimination of Discrimination against Women
Convention against Torture	Committee against Torture
Convention on the Elimination of Racial Discrimination	Committee on the Elimination of Racial Discrimination
International Covenant on Civil and Political Rights	The Human Rights Committee

For more information about these committees and questions about existing complaints procedures, please visit: <http://www2.ohchr.org/english/bodies/petitions/individual.htm>

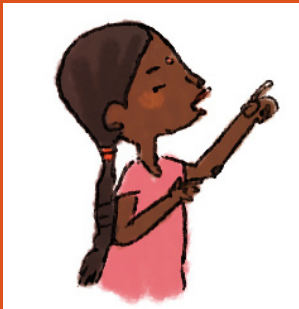


Before you consider preparing a complaint for an international committee, all local and national options should be looked at first.

To bring a human rights complaint to the United Nations or to one of the committees, the person or persons involved need to follow certain steps that have been created (known as the 'rules of procedure'). While both adults and children can use complaints procedures, these processes are sometimes not easy to use and can be lengthy and complicated.

The individual or group must always make every effort to have the violations addressed through processes and authorities in their own country first (for example: courts, ombudspersons, etc.), before going to the international level.

It is important to know that a country must ratify (or agree with) the convention and its Complaints Procedure before anyone can submit a complaint to the committee. In other words, if your country has not ratified the convention, then you cannot submit a complaint to the committee.



By ratifying a Convention, a government is saying that they promise to do the things outlined in the Convention.

When governments/states ratify a Human Rights Convention they are making a commitment to respect, protect and fulfill rights. In other words, they promise not to stand in the way of people enjoying their human rights, they promise to protect people from human rights abuses and they promise to take positive actions that support the enjoyment of human rights.

To see if your country has ratified a convention, please visit:

<http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

Click on the convention you are interested in and you will find a list of countries that have ratified it.



For more information about ratification and conventions, please see:



**What is a Convention and a Treaty?**



## Complaints Procedure for the Convention on the Rights of the Child

Unlike many conventions, the UN Convention on the Rights of the Child (CRC) does not have a Complaints Procedure.

The lack of a Complaints Procedure for the CRC is a serious gap that many people are working to address to ensure that children will have a complaints mechanism that is relevant, accessible and useful for them.

Children can use other existing Complaints Procedures (listed above) however none of them deal with ALL of the rights children have under the CRC. In addition, the existing Complaints Procedures have not been set up with children in mind and are therefore not easily used by children.

### How would a Complaints Procedure for the CRC be developed?

There are two ways to create a Complaints Procedure:

1. The details of the Complaints Procedure can be written right into the text of the convention (for example: in the Convention against Torture, section 22 gives the details about that convention's Complaints Procedure)
2. A Complaints Procedure can also be created as a separate document called an "Optional Protocol" (for example, the Complaints Procedure for the Convention on the Elimination of Discrimination against Women is in the form of an 'Option Protocol') - this will also be the case for the CRC

## What is an Optional Protocol?

Optional Protocols are created because something needs to be added to an existing convention or because things change (for example: our understanding of how children are affected by armed conflict) and new commitments from governments are needed. Optional Protocols, once ratified by a government, carry the same strength as a convention and can be used in the same way.

### **Two Optional Protocols to the CRC already exist, including:**

*Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* - This Protocol goes into more detail about the rights of children who are in situations of armed conflict, in particular child soldiers.

*The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, adopted in 2000, focuses on the different forms of sexual exploitation of children.

Because the CRC was adopted back in 1989, a Complaints Procedure for the CRC needs to be added in the form of an “Optional Protocol”.

## How do we create an Optional Protocol Complaints Procedure for the CRC?

### Step 1:

In March 2010, the Human Rights Council identified different people that will work together to develop the Complaints Procedure, this group is called a 'Working Group'. In other words, the Working Group will be responsible for writing the Complaints Procedure.

The Human Rights Council is a body within the UN system. It is made of representatives from 47 member states and is responsible for strengthening the promotion and protection of human rights around the world.

### Step 2:

Different countries, groups and organizations will work together with the Working Group to shape the content/details of the Complaints Procedure. A first draft will be ready in June 2010 and it will be translated into all UN languages by September 2010. The document could be finalized as soon as December 2010, however, if there are disagreements and if changes are needed, it could take months/years longer.

### Note:

It is very likely that the text of the CRC Complaints Procedure will be similar to other existing Complaints Procedures. While there will be some opportunity to influence the content, it's important to also realize what limits exist. (Please see step 4 for more opportunities.)

### Step 3:

After the Complaints Procedure has been written and approved, each country will have to decide if they want to ratify it so that people (including children) from that country can use it. (When this happens will depend on individual countries.)

### Step 4:

Once the Complaints Procedure has been approved, “Rules of Procedure” will also have to be developed. These “Rules” will give more details about the committee and its ways of working and will be developed by the Committee on the Rights of the Child. They will also provide more information about how a person (including a child) can make a complaint to the committee. It is important that children are involved in developing these “rules” because they must be child friendly and safe for children to use.

It is likely that it will take a few years to complete this entire process.

For more information about the Committee on the Rights of the Child, please see:



**What is the Convention on the Rights of the Child?**

## How can children and young people be involved?

You will be impacted by the decisions that will be made in the coming weeks/months/years. Your participation and/or the participation of other children and young people is needed to ensure the CRC Complaints Procedure and its Rules of Procedure reflect your realities and needs. All children, no matter their language, culture, disability, country, race, etc, need to have access and understanding.

There are some people, groups and organizations that are working together because they feel a Complaints Procedure for the CRC is very important and needed. They are also committed to supporting your participation in the process.

### **Some of these groups/organizations include:**

Child Rights Information Network (CRIN), ECPAT International, Kindernothilfe, Plan International, Save the Children Norway, Save the Children Sweden, Save the Children UK, SOS-International Children Villages, the European Network of Ombudspersons for Children (ENOC), the Global Initiative to End All Corporal Punishment of Children, the World Organization against Torture (OMCT), World Vision International and others.

These organizations are working together to create various opportunities for children to be involved in the development of a CRC Complaints Procedure and the NGO Group for the Convention on the Rights of the Child is coordinating this work. You can also take steps on your own:

- Visit: [http://www.crin.org/law/CRC\\_complaints/#info](http://www.crin.org/law/CRC_complaints/#info) for updates and information about the campaign and progress that is being made. Share this information with other children.

- Write a letter to your government asking them to support the development and ratification of a Complaints Procedure.
- If you are part of an organization, you can sign a petition (or statement) in support of the CRC Complaints Procedure, visit: <http://www.crin.org/petitions/petition.asp?petID=1007#call>
- An online forum where boys and girls from around the world can learn about the CRC Complaints procedures will be available at [www.planyouth.org](http://www.planyouth.org). It will be available in different languages and is a place where you can share your opinions on the Complaints Procedures.
- Learn about your rights, the CRC and existing resources in your community. Better understand where you can go to get help or what to do if your rights are being violated. Share this information with other boys and girls.
- Once we get to Step 3 – where each country will need to ratify the Complaints Procedure - there may be actions you can take in your country to increase awareness and put pressure on your government to ratify the Complaints Procedure.
- For ongoing updates, or new opportunities to be involved, please visit the website regularly or connect with one of the organizations listed above for details. [http://www.crin.org/law/CRC\\_complaints/#info](http://www.crin.org/law/CRC_complaints/#info)



## WHAT NOW?

What did I learn from this leaflet?

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What questions do I have and where might I find the answers?

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How can I use this information and are there any actions I want to take after reading this leaflet?

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Who do I know that might be interested in learning more about the Complaints Procedure for the Convention on the Rights of the Child and what can I do to help them?

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