



Convention on the Rights of the Child

Distr.: General
7 February 2024

Original: English

Committee on the Rights of the Child Ninety-fifth session

Summary record of the 2784th meeting*

Held at the Palais des Nations, Geneva, on Thursday, 1 February 2024, at 3 p.m.

Chair: Ms. Skelton

Contents

Other matters

Informal meeting with States

* No summary records were issued for the 2774th to 2783rd meetings.

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3.05 p.m.

Other matters

Informal meeting with States

1. **The Chair** said that, since the Committee's last informal meeting with States, held in February 2023, the Republic of Moldova had become a party to the Optional Protocol on a communications procedure. No other States had ratified or acceded to the Convention or any of the Optional Protocols. The Committee had received a total of only four reports under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography since the previous February; 36 reports were now overdue under the former instrument and 48 under the latter. In total, the Committee had considered 23 reports from States parties since the last informal meeting with States, and the consideration of 65 remained pending. With a view to contributing to the treaty body strengthening process, the Committee was assessing the outcome of the pilot project under which the Committee and the Committee on the Elimination of Discrimination against Women had, in May 2023, considered in quick succession the reports submitted to each by Sao Tome and Principe.

2. In November 2023, three Committee members had made follow-up visits to the three States parties – the Cook Islands, Micronesia (Federated States of) and Tuvalu – with which the Committee had held dialogues during its extraordinary eighty-fourth session in Samoa in 2020. Those Committee members had also participated in a workshop for delegations of the three States parties they had visited and presided over the regional launch of the Committee's general comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change. In addition, at the request of the United Nations Children's Fund (UNICEF), two Committee members had visited Cambodia and Thailand in November 2023.

3. The Committee had decided to allow States parties to the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography to use the simplified reporting procedure. For States that had not opted out, the simplified reporting procedure had become the standard procedure for the submission of reports under those two Optional Protocols and periodic reports under the Convention on 1 January 2024. The Committee had also decided to create a new cluster of questions entitled "children's rights and the environment" for use in its dialogues with States parties and concluding observations.

4. In 2023, the Committee had launched general comment No. 26 (2023), the drafting of which had been informed by 170 written submissions from States and other stakeholders. More than 16,000 children had participated in the consultations on the general comment, and a children's advisory team had worked closely with the Committee on its development. The Committee's other activities had included an event held in September 2023 with the Committee on Enforced Disappearances and a number of special procedure mandate holders to mark the first anniversary of the joint statement on illegal intercountry adoptions and discussions with the European Committee of Social Rights of the Council of Europe and the African Committee of Experts on the Rights and Welfare of the Child.

5. The Committee was concerned about the effects of the liquidity crisis facing the treaty body system, including the sudden decision – made without consulting the treaty bodies – to suspend use of the Webex videoconferencing service, which would make it difficult for the Committee to engage with civil society stakeholders. States should take what steps they could to support the work of the Committee.

6. **Mr. Van Keirsbilck** said that several events would be held to commemorate the tenth anniversary of the entry into force of the Optional Protocol on a communications procedure, including a dialogue with States parties and other stakeholders in May 2024 and an international conference to be held at Leiden University in April 2024. Thus far only 51 States had become parties to the Optional Protocol. Of the communications received by the Committee since its entry into force, 238 had met the requirements for registration and been registered, and the Committee had adopted decisions on 137 of them. It had found a violation of a child's rights in 45 cases and no violation in four. Thirty-five communications had been found inadmissible, and the Committee's consideration of 53 had been discontinued, often

for welcome reasons, such as a decision by domestic courts to reopen the relevant case. Because the Committee's limited resources allowed it to consider only some 25 communications a year, an additional four years would be required for it to consider the 101 communications still pending. In addition, the Committee received on average one request for interim measures a week, to which it must respond within 48 hours.

7. The communications procedure had allowed the Committee not only to make an impact in specific cases but also to recommend systemic changes in national practices. The Committee's decisions regarding the right of undocumented children to enrol in school had led one State to amend its regulations and school admissions procedures, allowing hundreds of children to begin attending school and enjoy their right to an education. The Committee urged more States to become parties to the Optional Protocol and called for greater support for the treaty bodies' work on communications.

8. **Ms. Ayoubi Idrissi** said that an inquiry could be opened under article 13 of the Optional Protocol on a communications procedure if an initial exchange of questions from the Committee and responses from the State party and additional information gathered by the Committee indicated that further steps were needed to verify whether grave or systematic rights violations were occurring in the State party. An inquiry could involve a visit to the State party. Any such visit was planned in close cooperation with the State party. The inquiry procedure was entirely confidential.

9. Three inquiries were currently in progress: one for which a visit had been conducted and a report was being drafted, one for which a visit was being planned and one on which greater cooperation was needed from the State party. The Committee would publish the report that was being drafted once it was adopted, and a follow-up procedure would be put in place.

10. **Mr. Gudbrandsson** said that, in addition to its new cluster of questions on children's rights and the environment, the Committee had decided to use another new cluster, on the standard of living, in its dialogues with States parties. The latter cluster, which would cover issues such as poverty, social security, food shortages and housing, would allow matters that had previously been subsumed under the cluster on health to be addressed in greater detail. In addition, the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography and of the Optional Protocol on the involvement of children in armed conflict would be addressed under the clusters on violence and special protection measures, respectively. Changes had been made to the list of issues addressed under each cluster to avoid repetition.

11. **Ms. Todorova** said that the Committee had issued a statement to explain the balance struck in article 5 of the Convention among children's rights, parents' responsibilities, rights and duties and States' obligations. While the important role of parents in children's lives was reflected in numerous articles of the Convention, including article 5, some States had become concerned that the recognition of children as subjects of rights under the Convention would undermine the rights and duties of parents, and that had resulted in pushback against children's rights. The statement noted, *inter alia*, that all children had rights irrespective of their age, that their evolving capacities must be recognized and respected by the adults who provided them with direction and guidance, that States should provide protection to children where parents failed to adequately do so and must help build parents' capacity to provide appropriate direction and that, as children grew and matured, greater weight should be given to their views. The Committee encouraged States parties to disseminate the statement widely and apply it in their policies and legislation.

12. **Mr. Van Keirsbilck** said that the Committee's next general comment would provide authoritative guidance to States parties on children's rights to access to justice and effective remedies, access that the vast majority of the child victims of rights violations worldwide lacked. The barriers to children's access to justice included a lack of knowledge of their rights or of the capacity to assert them and a lack of accessible and effective complaint mechanisms. In the general comment, the Committee intended to clarify the relevant concepts and terminology and would build on the work on access to justice that it was already doing through channels such as its concluding observations.

13. As with previous general comments, the Committee would issue a call for contributions from States and other stakeholders, and several workshops and consultations

would be held at the national, regional and international levels. Child-friendly mechanisms would be put in place to facilitate the participation of children.

14. **Ms. Kiladze** said that parliaments should be involved in the mainstreaming of the child rights agenda. More than 150 lawmakers from different parts of the world had attended the workshop jointly hosted by the Committee and the Inter-Parliamentary Union in February 2023. Another such event would be held on 15 February 2024. By including lawmakers in the delegations that participated in dialogues with the Committee, States parties could help parliaments use their roles in legislative, oversight and budget processes to more effectively promote children's rights and take action in follow-up to the recommendations that the Committee made in its concluding observations.

15. **A representative of Pakistan**, supported by **a representative of Türkiye**, said that there was a need for the Committee to help strengthen the norms regarding the protection of children in armed conflict, particularly in light of the staggering number of children reported killed in the ongoing conflict in and around Gaza. Over the preceding four months, some 12,000 children had lost their lives and 24,000 had lost one or both parents. The protection of virtually any Convention right, including those related to physical and mental health and education, was now a challenge in Gaza. He would appreciate a comment from the Committee on the steps it could take in response, including, as provided under article 45 of the Convention, seeking the involvement of the specialized agencies, recommending that the General Assembly should ask the Secretary-General to undertake a study on the Committee's behalf and making its own suggestions and general recommendations on the basis of the information that it received or that was publicly available.

16. **A representative of the State of Palestine**, supported by **a representative of Türkiye**, said that her Government regretted that the Committee had not taken sufficient action against the genocidal acts being committed against Palestinian children in Gaza. In its latest statement, which had been issued on 1 November 2023, after the Israeli genocidal attack had been under way for almost one month, the Committee had referred to what it had called the deaths of more than 3,500 children. Those children had been deliberately killed by indiscriminate bombing. Now, three months since the Committee's last statement, the death toll among Palestinian children was over 11,500. Of the 2.3 million people who lived in Gaza, one of the most densely populated areas on earth, half were children; bombing Gaza was tantamount to bombing children. The numbers did not include the children who had been orphaned or had no family members left, a reality reflected by a new acronym invented by medical staff in Gaza: WCNSF, or "wounded child with no surviving family". The Committee should fulfil its role by continuing to call for an immediate ceasefire, immediate access for humanitarian aid and a just resolution of the conflict.

17. **A representative of Israel** said that the loss of human life was a tragedy. Israel was not indifferent to the human suffering in Gaza that had resulted from Hamas's complete disdain for human life. She had heard no condemnation from the Palestinian delegation of the massacre of 7 October 2023 and the systematic rape, burning and torture of children and no words for the Israeli orphans. Both Israeli and Palestinian children deserved a future that was free of terrorism. Children could not thrive amid terror and hatred.

18. **A representative of the United States of America** said that Palestinians and Israelis equally deserved to live in safety, dignity and peace. The United States condemned the 7 October 2023 terrorist attack by Hamas against Israel and the taking of hostages. Israel had the right to defend itself against those terrorists in order to protect its people while complying with international humanitarian law, including the obligation to protect civilians.

19. **A representative of Finland** said that Finland wished to reiterate its full support for the Committee's work. She would be interested to know whether the Committee had identified any need to revise its rules of procedure with respect to individual communications.

20. **The Chair** said that, during its ninety-fifth session, the Committee had been briefed on the current crisis relating to children in armed conflict and had decided to take steps that would be made public the following week. Although a statement could not convey the suffering of children in war, the Committee had issued a statement on 20 November 2023, World Children's Day, to mark a day that was usually a celebration of children's rights as a day of mourning for the many children who had recently died in armed conflict. The fact that

the statement also drew attention to the many thousands of children dying in armed conflict in many parts of the world should not be taken to mean that the urgent humanitarian crisis in Gaza and its hugely disproportionate effect on children were not foremost in Committee members' minds. The situation in Gaza had been the focus of that statement and a subject of two earlier statements by the Committee. She wished to thank the representative of Pakistan for the constructive suggestions, which the Committee would take into consideration.

21. **Mr. Van Keirsbilck** said that amendments had been made to the rules of procedure to, for example, avoid the duplication of work. Such amendments were announced whenever they were adopted.

22. Support from States was required if the procedures relating to communications were to be effective. Ways must be found to ensure that the treaty body system had the capacity needed to provide a prompt and appropriate response to communications.

23. **Ms. Ayoubi Idrissi** said that one indication that the communications procedure was working well was the number of communications that had been closed after the State party concerned had provided information on the action it had taken in follow-up to the Committee's recommendations. The delays in the processing of communications were, however, an issue.

The meeting rose at 4.15 p.m.