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Children's Rights

International and National legislation

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Introduction

Children throughout the world have much in common. They want to live among family and friends and to feel safe in their homes and communities. They want clean water to drink and enough to eat. Around the world they tell us that they want space for play, and places where they can escape from noise, smells and garbage. They would like to be respected by adults and to have a real part in the lives of their communities. And they want the kind of education that will give them a future. These are not unreasonable requests, but for more than one third of the world's children they are only a dream.¹

Law

Law is a social construction. It is a historically contingent feature of certain societies, one whose emergence is signaled by the rise of a systematic form of social control and elite domination. In one way it supersedes custom, in another it rests on it, for law is a system of primary social rules that direct and appraise behavior, together with secondary social rules that identify, change, and enforce the primary rules.²

International Law

From the Oxford English Dictionary:

"[I] *International law, the law of nations*, under which nations are regarded as individual members of a common polity, bound by a common rule of agreement or custom; opposed to *municipal law*, the rules binding in local jurisdictions."

Public International Law is the law of the political system of nation-states. It is a distinct and self-contained system of law, independent of the national systems with which it interacts, and dealing with relations which they do not effectively govern. Since there is no overall legislature or law-

¹ Cities for children, *Children's Rights, Poverty and Urban management*, published by UNICEF, page ix

² The concept of Law. Second edition. By H.L.A Hart. The concept of law revised, Leslie Green, page 1687

creating body in the international political system, the rules, principles, and processes of international law must be identified through a variety of sources and mechanisms. This can make international law appear difficult to pin down.

As international law developed in the 17th and 18th centuries, it was widely understood that it was a tool for relations between nation-states. Individuals had no role in the process which resolved disputes between states except as representatives of the states, such as diplomats or naval officers. The classic 'player' is the sovereign body of the nation in whatever form it takes for a given state. It can be the President, Prime Minister, King, or Queen, but it is now often the bureaucratic representation of the sovereign power, such as the State Department, the Foreign Ministry, the military, etc. Until the middle of the 20th Century, international law consisted primarily of custom. More recently, customary international law has been increasingly codified.

While that part of the governmental entity charged with foreign relations will have the lead role in developing international law for the country, in practice each subunit of a government has some ability to create what can be recognized as International Law. In addition, administrative agencies can make and enforce regulations implementing the treaty and the statutes, and the courts can interpret any of the above and use non-treaty related international law as an exercise of their judicial power. On the global scale, international organizations such as the United Nations and the European Union have become extremely important as forums for creating international law.

Sources of International Law

- (1) A rule of international law is one that has been accepted as such by the international community of states
- (a) in the form of customary law;
 - (b) by international agreement; or
 - (c) by derivation from general principles common to the major legal systems of the world.

(2) Customary international law results from a general and consistent practice of states followed by them from a sense of legal obligation.

(3) International agreements create law for the states parties thereto and may lead to the creation of customary international law when such agreements are intended for adherence by states generally and are in fact widely accepted.

(4) General principles common to the major legal systems, even if not incorporated or reflected in customary law or international agreement, may be invoked as supplementary rules of international law where appropriate³

General Principles of Law

General principles of law recognized by civilized nations are often cited as a third source of law.

These are general principles that apply in all major legal systems. An example is the principle that persons who intentionally harm others should have to pay compensation or make reparation.

General principles of law are usually used when no treaty provision or clear rule of customary law exists.⁴

Convention: A 'convention' is a formal agreement between States. The generic term 'convention' is thus synonymous with the generic term 'treaty'. Conventions are normally open for participation by the international community as a whole, or by a large number of States. Usually the instruments negotiated under the auspices of an international organization are entitled conventions (e.g. the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations in 1989).

The evolution of international standards on child rights

1924 The League of Nations adopts the Geneva Declaration on the Rights of the Child. The declaration establishes children's rights to means for material, moral and spiritual development; special help when hungry, sick, disabled or orphaned; first call on relief when in distress; freedom from

³Researching Public International Law, written by Kent McKeever, Columbia University, Law School, Last Updated January 2006

⁴Introduction to International Law, Robert Beckman and Dagmar Butte, page 5

economic exploitation; and an upbringing that instills a sense of social responsibility.

1948 The UN General Assembly passes the Universal Declaration of Human Rights, which refers in article 25 to childhood as “entitled to special care and assistance.”

1959 The UN General Assembly adopts the Declaration of the Rights of the Child, which recognizes rights such as freedom from discrimination and the rights to a name and nationality. It also specifically enshrines children’s rights to education, health care and special protection.

1966 The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights are adopted. The covenants advocate protection for children from exploitation and promote the right to education.

1973 The International Labour Organizations adopts Convention No. 138 on the Minimum Age for Admission to Employment, which sets 18 years as the minimum age for work that might be hazardous to an individual’s health, safety or morals.

1979 The UN General Assembly adopts the Convention on the Elimination of All Forms of Discrimination Against Women, which provides protection for the human rights of girls as well as women. It also declares 1979 as International Year of the Child, which sets in motion the working group to draft a legally binding Convention on the Rights of the Child.

1989 The UN General Assembly unanimously approves the Convention on the Rights of the Child, which enters into force the following year.

1990 The 1990 World Summit for Children adopts the World Declaration on the Survival, Protection and Development of Children along with a plan of action for implementing it in the 1990s.

1999 The International Labour Organization adopts Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

2000 The UN General Assembly adopts two Optional Protocols to the Convention on the Rights of the Child: one on the involvement of children in armed conflict, the other on the sale of children, child prostitution and child pornography.

2002 The UN General Assembly holds a Special Session on Children, meeting for the first time to specifically discuss children’s issues. Hundreds of children participate as members of official delegations, and world

leaders commit themselves to a compact on child rights, 'A World Fit for Children.'

2007 The five-year follow-up to the UN General Assembly Special Session on Children ends with a Declaration on Children adopted by more than 140 governments. The Declaration acknowledges progress achieved and the challenges that remain, and reaffirms commitment to the World Fit for Children compact, the Convention and its Optional Protocols.⁵

The Convention on the Rights of the Child (CRC)

The Convention on the Rights of the Child was unanimously adopted by the United Nations General Assembly on 20 November 1989 and entered into force on 2 September 1990. The Convention, which contains 54 articles, is a comprehensive instrument which sets out rights that define universal principles and norms for children. It provides children with fundamental human rights and freedoms as well as takes into account their need for special assistance and protection due to their vulnerability. It was the first international human rights treaty to include civil, political, economic, social and cultural rights in a single comprehensive document. The Convention on the Rights of the Child is presently the most widely ratified international human rights instrument. The Convention prioritizes childhood.

It sets forth basic standards which individual nations agree to pursue on behalf of children, including providing assistance to parents as they fulfill their childrearing responsibilities. These norms rest on the Convention's four underlying principles:

- The Right to Survival,
- The Right to Develop to the Fullest Potential,
- The Right to Protection from Abuse, Neglect, and Exploitation, and
- The Right to Participate in Family, Cultural, and Social Life

Emphasizing the primacy and importance of the role and authority of parents, the treaty calls for governments to respect their responsibilities,

⁵<http://www.unicef.org/rightsite/sowc/pdfs/panels/The%20evolution%20of%20international%20standards%20on%20child%20rights.pdf>, accessed 25-11-2011, 7:28 pm

rights, and duties to provide direction and guidance to their children. In addition, the CRC calls on governments to develop and implement policies and programs that ensure children grow up in supportive family and community environments that foster an atmosphere of happiness, love, and understanding.

Every right spelled out in the Convention is inherent to the human dignity and harmonious development of every child. States that are party to the Convention are obliged to develop and implement policies and programs that promote and protect children's best interests.

General principles of the CRC

In its general guidelines on periodic reporting, adopted in October 1996 the Committee on the right of the child introduced the term «General Principles» and identified these as the articles 2, 3, 6 and 12 of the Convention. In the guidelines the Committee does not explain what it means by «General Principles» nor why they are limited to these four articles – one could argue that e.g. articles 4 and 5 of the Convention could also be qualified as general principles. But if we follow the ordinary meaning of this term we may assume that these principles should be taken into account when implementing the (other) articles of the CRC. This is confirmed in various general comments of the CRC Committee such as general comment No. 6 on unaccompanied and separated children outside their country of origin and general comment No. 9 on the rights of children with disabilities.

Some of the general principles are applicable beyond the implementation of the provisions of the CRC. Article 2 links the right to non-discrimination to «the rights set forth in the present Convention». The best interests of the child shall be a primary consideration in all actions concerning children (art. 3) and the right of the child to express her/his views freely is applicable in all «matters affecting the child». Article 6 is to a certain degree a «fremdKörper» in the list of general principles. The inherent right to life is much more than a «general principle»; it is one of ,if not, the most fundamental human right. But the survival and development of the child are concepts not limited to the implementation of the Convention.

Jaap E. Doek⁶ suggests that the Committee elaborates on the meaning and the role of the general principles in a general comment. He argued that this would allow it *inter alia* to discuss the use of the term «General Principles» in relation to provisions that are rights of the child. The ordinary meaning of «principles» is weaker than the legal obligations of States Parties. Principles are usually guiding notions and allow for exceptions. Articles 2, 3, 6 and 12 of the Convention are much more than guiding notions.

Another problem that could be addressed is the way the general principles are used in the dialogue with States parties. Questions raised with regard to the implementation of the general principles often – and unavoidably – pertain to other provisions of the Convention. This often results in a widening of the discussion to various aspects of education, health care, child protection and juvenile justice, a practice which is called «front loading» by Bruce Abramson⁷. The challenge seems to be to find a balance between general questions regarding the general principles and the more specific questions that should be raised in relation to the other clusters the Committee discusses in its dialogue with State Parties.

Over the past 18 years, articles 2, 3, 6 and 12 of the CRC have been considered to be general principles of the CRC. As such they have a well-established and widely accepted position in the reporting on and monitoring of the CRC. It is understandable that there be an inclination not to change something as widely known as the «general principles» in the context of the CRC. Everyone knows what is meant when «the general principles of the CRC» are discussed. But do we really know what these principles mean and why these four articles are the general principles? It is not only a matter of name (why call a right a principle?) but also of substance. The Committee so far has not clearly explained what it means if an article is called a «general principle» and what its role is in the implementation/ interpretation of the (other) CRC provisions.

⁶ Former Chairperson of the Committee on the Rights of the Child

⁷ Bruce Abramson is human rights lawyer practicing across a wide spectrum of issues, and since, 1992, specializing in the Convention on the Rights of the Child. He has attended every review session of the CRC Committee, and actively participated in all the Days of discussion, including serving, on behalf of UNAIDS, as Rapporteur on the Day of Discussion on Children Living in a World with AIDS.

A critical and analytical discussion of the (role of the) general principles is required in order to clarify what the Committee means when it refers to the general principles and how they should be used/implemented. The Committee may thereby provide the States parties and other stakeholders of the CRC, in particular children and parents, with better guidance for the implementation of articles 2, 3, 6 and 12 of the CRC.⁸

CRC General Measures of Implementation

When a State ratifies the CRC, it becomes obliged under international law to implement its provisions. This is enshrined in Article 4 of the CRC.

In September 2003, the Committee on the Rights of the Child published its General Comment no.5 on general measures of implementation for the Convention on the Rights of the Child. This was important because it outlines broad ways in which the Convention can be implemented. It says: "Ensuring that all domestic legislation is fully compatible with the Convention and that the Convention's principles and provisions can be directly applied and appropriately enforced is fundamental."

The Committee's reporting guidelines arrange the Convention's articles in clusters, the first being on "general measures of implementation". Article 4 is grouped with article 42 (the obligation to make the content of the Convention widely known to children and adults) and article 44, paragraph 6 (the obligation to make reports widely available within the State). In addition to these provisions, other rules for general implementation are set out in article 2.

General Measure of Implementation 1

The process of law reform: States parties should review national legislation and ensure that national laws are compatible with the rights set out in the CRC. Additionally, States are urged to review and withdraw any reservations made on Convention articles and to ratify other relevant international instruments such as the two Optional Protocols. A more comprehensive list of international instruments can be found in annex I of General Comment no.5.

⁸ 18 Candles, The Convention on the Rights of the Child Reached Majority, Institut international des droits de l'enfant (IDE), pages 31-38

General Measure of Implementation 2

Development of independent human rights institutions for children: The establishment of independent human rights institutions for children should not substitute, but rather be complementary to self-monitoring governmental institutions. The Committee elaborates on this issue in its General Comment no. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child.

These institutions should be geared towards promoting and safeguarding the rights of the child. Increasingly, states are establishing independent human rights institutions for children – either separate children’s ombudsman people or children’s rights commissioners, or focal points on children’s rights within general human rights commissions or ombudsman offices. In Europe, children’s institutions from twelve countries joined forces to form the European Network of Ombudspersons for Children (ENOC) in 1997. By 2007, it had grown to include 32 institutions in 23 countries. More information can be found on the ENOC website.

General Measure of Implementation 3

Development of comprehensive strategies or agendas for children: In order to promote and protect the rights of the child at all levels, States parties need to develop a comprehensive national strategy for children based on the CRC. The strategy must set realistic and achievable targets and must include adequate allocation of human, financial and organizational resources.

General Measure of Implementation 4

Development of permanent governmental coordination mechanisms: Full implementation of the CRC requires effective coordination both horizontally between government agencies and departments and vertically across different government levels, from local, regional to central, but also between the government and the private sector. Different governments have found different ways to ensure the coordination of child rights, for example by appointing a Commissioner, or by delegating the responsibility to a Council, or specific government department.

General Measure of Implementation 5

Systematic monitoring – data collection and evaluation: Two kinds of monitoring can be distinguished: the first is the monitoring of violations; the second is monitoring the implementation of the Convention. The Committee encourages States to use different methods for the collection of qualitative and quantitative data. These can include interviewing children directly and asking them for their opinions and views. However, it is important that data are not only collected, but also properly evaluated and the outcome used to influence policy.

General Measure of Implementation 6

Allocation of resources for children (budget analysis, etc.): States are expected to allocate a budget for children “ to the maximum extent of their available resources “. Steps should be taken at all levels of Government to ensure that economic and social planning and decision-making and budgetary decisions are made with the best interest of children as a primary considerations and that children are protected from the adverse effects of economic policies or financial downturns.

General Measure of Implementation 7

Education, training and awareness-raising on the CRC: Awareness raising on the CRC should be geared towards adults and children alike. The text of the Convention should be widely available and be presented in understandable language, e.g. by publishing a child-friendly version of the CRC. Additionally, State reports submitted to the Committee should be easily and widely accessible by the general public.

As part of the process of creating awareness, children need to learn about their rights and the CRC. This should be incorporated into the school curriculum at all stages.

Furthermore, education should extend to training and capacity building of personnel working with children. These include child psychologists, teachers, health and social workers, the police and others.

General Measure of Implementation 8

Collaboration in the process of implementation with civil society including children: In its general comment no.5 the Committee says that “Implementation is an obligation for States parties, but needs to engage all sectors of society, including children themselves. NGOs, the media, civil

society and in particular children and young people should participate and be directly involved in the process.⁹

The Two Optional Protocols of the CRC

The Convention has two optional protocols that provide specific protections for children: (1) the Optional Protocol on the Involvement of Children in Armed Conflict; and (2) the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. Though both Optional Protocols operate under CRC, they are independent multilateral agreements under international law. The Optional Protocol on Children in Armed Conflict limits the recruitment of children under the age of 18 for armed conflict and requires parties to provide children who have participated in armed conflict with appropriate physical and psychological rehabilitation. It entered into force on February 12, 2002, and has been ratified by 142 countries. The Optional Protocol on the Sale of Children requires parties to criminalize child pornography and prostitution, close establishments that practice such activities, and seize any proceeds. It entered into force on January 18, 2002, and has been ratified by 145 countries.¹⁰

Monitoring children's rights

The Committee on the Rights of the Child (CRC) is the body of independent experts that monitors implementation of the Convention on the Rights of the Child by its State parties. It also monitors implementation of two optional protocols to the Convention, on involvement of children in armed conflict and on sale of children, child prostitution and child pornography.

The Committee is composed of 18 independent experts who are elected in their personal capacity to four-year terms by States parties. An equitable geographical distribution and representation of the principal legal systems is taken into consideration in their selection. Each State party has the right to nominate one person from its country to serve on the Committee. Although the Convention only requires that Committee members be of

⁹ http://www.crin.org/resources/treaties/CRC_GMI.asp, accessed 23-11-2011, at 0:10 am

¹⁰ <http://www.fas.org/sgp/crs/misc/R40484.pdf>, accessed 23-11-2011, 11:10 am

“high moral standing” and competent in the fields covered by the Convention, other possible criteria could include: demonstrated expertise in the field of human rights, particularly children’s rights; the ability to devote sufficient time to the work of the Committee; representation from a wide variety of professional backgrounds; experience working with non-governmental organizations; awareness and sensitivity to cultural differences; and fluency in one of the three working languages (English, French or Spanish) of the Committee. The work of Committee members is not remunerated.

The Committee meets in Geneva (Switzerland) three times a year for a period of four weeks for each session. by States parties in fulfilling their obligations under the Convention and the Optional Protocols. It can only receive or consider information concerning countries which have ratified or acceded to the Convention or the Optional Protocols. The Committee’s approach is non-confrontational and attempts to engage States parties in a constructive dialogue with a view to obtaining an accurate assessment of the situation of children in a country. A small permanent Secretariat at the Office of the High Commissioner for Human Rights in Geneva is responsible for providing support and advice to the Committee.¹¹

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially two years after acceding to the Convention and then every five years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of “concluding observations”.¹²

The Committee reviews additional reports which must be submitted by States who have acceded to the two Optional Protocols to the Convention. The Committee is not mandated to examine individual complaints concerning violations of the rights of a child. Other treaty bodies with individual complaint mechanisms (the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on

¹¹ A guide for Non-Governmental organizations, Reporting to the Committee on the Rights of the child, Geneva 2006, 3rd Edition, pages 3-4

¹² <http://www2.ohchr.org/english/bodies/crc/>, accessed 22-11-2011 11:30 am

the Elimination of Discrimination against Women and the Committee against Torture) can, however, receive complaints from children.¹³

The Committee meets in Geneva and normally holds three sessions per year consisting of a three-week plenary and a one-week pre-sessional working group. In 2010, the Committee considered reports in two parallel chambers of 9 members each, "as an exceptional and temporary measure", in order to clear the backlog of reports.

The Committee also publishes its interpretation of the content of human rights provisions, known as general comments on thematic issues and organizes days of general discussion.¹⁴

The Committee holds a day of general discussion each year. The purpose of the Days of General Discussion is to foster a deeper understanding of the contents and implications of the Convention as they relate to specific articles or topics. After the discussion the Committee adopts recommendations, taking into account the issues raised. Representatives of Governments, United Nations human rights mechanisms, United Nations bodies and specialized agencies, non-governmental organizations, national human rights institutions as well as individual children and experts are welcome to take part. For more details, visit: <http://www2.ohchr.org/english/bodies/crc/discussion.htm>.

The Committee on the Rights of the Child publishes its interpretation of the content of human rights provisions, in the form of General Comments on thematic issues. The Committee on the Rights of the Child has issued general comments on the following subjects:

No	Subject	Date
13	The right of the child to freedom from all forms of violence	2011

¹³ A guide for Non-Governmental organizations, Reporting to the Committee on the Rights of the Child, Geneva 2006, 3rd Edition, pages 3-4

¹⁴<http://www2.ohchr.org/english/bodies/crc/>, accessed 22-11-2011 11:30 am

12	The right of the child to be heard	2009
11	Indigenous children and their rights under the Convention	2009
10	Children's rights in Juvenile Justice	2007
9	The rights of children with disabilities	2006
8	The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment	2006
7/Re v.1	Implementing child rights in early childhood	2005
6	Treatment of unaccompanied and separated children outside their country of origin	2005
5	General measures of implementation for the Convention on the Rights of the Child	2003
4	Adolescent Health	2003
3	HIV/AIDS and the rights of the child	2003
2	The role of independent human rights institutions	2002
1	The aims of education	2001

Egypt's reservations on the CRC

Declarations and reservations by EGYPT made upon ratification, accession or succession of the CRC

Reservation made upon signature and confirmed upon ratification: Since The Islamic Shariah is one of the fundamental sources of legislation in Egyptian positive law and because the Shariah, in enjoining the provision of every means of protection and care for children by numerous ways and means, does not include among those ways and means the system of adoption existing in certain other bodies of positive law,

The Government of the Arab Republic of Egypt expresses its reservation with respect to all the clauses and provisions relating to adoption in the said Convention, and in particular with respect to the provisions governing adoption in articles 20 and 21 of the Convention.

Notification of withdrawal

On 31 July 2003, the Government of Egypt informed the Secretary-General that it had decided to withdraw its reservation made upon signature and confirmed upon ratification in respect of articles 20 and 21 of the Convention. The reservation read as follows:

Since The Islamic Shariah is one of the fundamental sources of legislation in Egyptian positive law and because the Shariah, in enjoining the provision of every means of protection and care for children by numerous ways and means, does not include among those ways and means the system of adoption existing in certain other bodies of positive law,

The Government of the Arab Republic of Egypt expresses its reservation with respect to all the clauses and provisions relating to adoption in the said Convention, and in particular with respect to the provisions governing adoption in articles 20 and 21 of the Convention.¹⁵

¹⁵<http://sim.law.uu.nl/SIM/Library/RATIF.nsf/be2c697381d495be41256bfb003493b1/da069c067e8fb3c0c12568b7004480b5?OpenDocument>, accessed 22-11-2011, 11:37 am

Challenges facing the implementation of the CRC

Firstly, although critical to ensure conformity between the national legal framework and the CRC, legislative measures alone cannot achieve effective implementation. Indeed, law enactment and enforcement needs to be supported by awareness raising on the rights of the child and on effective remedies to ensure their safeguard; the training of professionals working with and for children; a steady investment in programmes and services for children and their families; and monitoring of the impact of legislation on the enjoyment of children's rights.

Secondly, law reform is a long term process requiring on-going efforts to identify and fill gaps in child rights legislation. The incorporation of the general principles of the CRC, the protection of children from all forms of violence, and the establishment of a system of due process of law for juveniles are some of the most critical areas where greater efforts continue to be required.

The Convention has triggered important processes of institutional reform, leading to the development of independent national institutions on children's rights and contributing to the establishment of governmental mechanisms to coordinate child-related activities.

The spread of independent national institutions for the rights of the child has rapidly accelerated. When the CRC was adopted child rights national institutions existed in only three countries (Norway, Costa Rica and New Zealand), but the number has steadily increased. As separate national Ombuds-type institutions for children or as specialized child rights units within overall human rights commissions, with an overall national mandate or with a decentralized structure, independent institutions for children's rights play a decisive role in the implementation process. By voicing children's concerns and best interests, acting as a vehicle of children's voices, monitoring the impact of laws and policies on children, and making public their assessment and recommendations, these institutions are particularly well placed to promote progress in the realization of children's rights.

The legal foundation and the independence of these institutions is very essential in securing their authority and legitimacy to act on behalf of children and to avoid any risk of manipulation or weakening of their work.

The adequate human and financial resources are needed to secure an effective mandate; and the importance of consulting and working with children, both to be sensitive to their needs and concerns and to be enriched by their perceptions and suggestions for the safeguard of their rights.

Moreover, international and regional cooperation is an important process to promote exchange and cross fertilization of experiences between institutions, including through regional networks (such as ENOC, the European Network of Ombuds for Children), and a global network promoted in the aftermath of the Special Session on Children.

While child rights institutions are important and promising, challenges persist, both to secure the independence and effectiveness of existing institutions and to promote their establishment in the many countries where do not yet exist. The second important institutional change concerns the establishment of governmental mechanisms to coordinate activities and ensure a holistic and integrated approach to children's policies and programmes. Most countries have established national coordinating mechanisms, often as an inter-ministerial commission, or in some cases as a line-ministry, to coordinate activities of departments in central Government, as well as the cooperation between central and subnational authorities.

The mandates of these mechanisms vary widely. Some are expressly designed to oversee implementation of the CRC, while others have a more limited role; in some cases the aim is exclusively to promote coordination while in others the mandate also includes work in awareness raising, policy development and monitoring of progress; some are established by law with the authority of adopting binding decisions while others are the result of an administrative measure with a limited power of issuing recommendations. To ensure effectiveness and advance the realization of children's rights, further efforts are required.

These efforts include promoting multi-disciplinary and crosssectoral cooperation and coordination between central and sub-national authorities; involving all relevant departments, including planning and finance

ministries; engaging civil society organizations, and evaluating the work and impact of existing coordinating bodies.

As the Committee has often highlighted, States Parties are required to promote and safeguard the rights of the child on the basis of a comprehensive national strategy rooted in the Convention, with time-bound goals and targets to promote and monitor progress. The success of this strategy has often been dependent on whether the process was led by high level political and governance institutions; developed through a consensus building and partnerships-based approach; supported by subnational goals and strategies; and whether the strategy was mainstreamed into an overall national development framework.

The majority of countries have adopted a national children's plan or strategy. Most frequently the plan was set up to meet the commitments of the World Summit for Children and, at a later stage, of the Special Session on Children. Less often, countries developed a strategy specifically designed to promote the implementation of the CRC. A number of shortcomings have emerged from the review, for example, insufficient resources for implementation, weak mechanisms for coordinating and monitoring implementation, lack of coordination between various sectoral plans, insufficient public awareness of plans and insufficient participation of civil society in the planning process. Moreover, further research is required to assess the effectiveness and impact of these plans on the improvement of children's living conditions and the enjoyment of their human rights.

Awareness, education and training are an essential part of the implementation of the Convention and constitute an area where visible developments have taken place. Most countries have promoted activities to enhance awareness and understanding of children's rights, and combat practices and perceptions that compromise their safeguard. The CRC has been widely translated into national languages, awareness raising campaigns have been launched and advocacy materials promoted, in many cases with child friendly versions addressed specifically to children. At the same time, these activities have often been ad hoc and fragmented.

Nearly half of the countries have introduced child rights into the school curricula, in some cases supported by efforts to link with the social reality of students. Some countries have also promoted approaches to encourage the child to think critically and to play a proactive role in the learning process. The establishment of child rights courses at the university level has been less systematic but progress has also been made in this area, including through the promotion of multi-disciplinary courses on the rights of the child.

In a wide range of countries, training programmes have been developed for professionals working with and for children - including teachers, judges, lawyers and law enforcement officials, social workers, medical doctors and health professionals. Training programmes increasingly address parliamentarians, governmental officials, journalists and military personnel.

Despite these important developments, systematic and on-going efforts continue to be required to promote a culture of children's rights in the society at large.

Progress in the realization of children's rights is closely associated with the State's openness and commitment to monitor change, acknowledge challenges and introduce adjustments in law, policy and practice. There is today more and better data on children and greater recognition of the need to strengthen national data systems. Household surveys are beginning to include a broader range of indicators on emerging areas and surveys of children themselves are being used to enhance understanding on neglected areas.

Yet some challenges persist. Monitoring is still perceived as particularly relevant for international accountability, including for reporting to the Committee on the Rights of the Child, rather than as a national monitoring and policy making tool. In addition, monitoring is often associated with criticism and condemnation of serious violations of children's rights or drastically reduced to a few areas of concern - particularly health and education where data may be more easily available. Moreover, insufficient investment undermines the disaggregation of data to acknowledge

disparities, identify hidden levels of vulnerability and to inform targeted interventions addressing the most vulnerable groups of children.

As the implementation of the CRC moves forward, key areas call for an urgent attention - filling data gaps including on child poverty, the incidence of violence against children and other child protection areas; evaluating the impact of policies and budgetary decisions on children, and involving children in the monitoring of their rights. If we redouble our efforts and ensure that all countries have the capacity to collect, analyse and make public comprehensive, disaggregated data on children a decisive difference could be made in the universal realization of their rights.

Progress in implementing the Convention is meaningfully associated with popular participation and public scrutiny, engaging the active support of civil society organizations in community, national and international initiatives. The wide involvement of civil society in promoting the realization of children's rights is confirmed. With their skills and resources NGOs have played a decisive role in the global child rights movement. National coalitions have been formed to promote ratification and advance implementation of the Convention. Their voices have been instrumental to the reporting process of the Committee and to the dissemination and follow up of the concluding observations it adopts.

Civil society has played a key role in awareness raising, and information and education campaigns, as well as capacity building initiatives on the rights of the child. They have lobbied for, informed and monitored legal reform processes. They have contributed to national plans for children and sectoral strategies to promote their rights. There is today an undeniable increase in action by civil society organizations, a shift from welfare to a human rights approach in their activities, and a much greater cooperation with State authorities in the promotion of children's rights.

Moreover, this process has been closely linked with an increasing participation of children, a unique feature of the process of the CRC implementation. Although it is challenging to overcome tokenistic approaches and ensure a genuine engagement, follow up and evaluation, children's participation processes are gaining attention and promoting a

new perception of childhood. In many countries child parliaments have been established generating familiarity with democratic and decision-making processes. In some cases children are entitled to representation on national bodies responsible for children's rights and in a large number of countries municipal councils and local mechanisms have been established to capture their views and suggestions. The views of children have been taken into account in the development of national plans of action as well as in legislative reform processes - with child initiatives ranging from lobbying in favour of law reform, to proposing specific provisions in the legislation or even in the Constitution. Moreover, children play an active role in awareness raising initiatives and in advocacy campaigns and peer education. In spite of the significant progress made, much remains to be done to effectively guarantee that all children have the right to be heard and to have their views taken into account in matters of concern to them.¹⁶

Challenges facing the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography

One of the main challenges is the absence of accurate data to help assess the magnitude of the problem and its causes. Another factor is the refrain from reporting cases for fear of being stigmatized. This is compounded by the lack of awareness of existing reporting mechanisms and the content of the Optional Protocol. There is also the difficulty of raising public awareness of the instrument due to societal rejection. Other causes such as low standard of living, poverty, lack of work opportunities, violence against women and children, the demographic explosion, dropping out of basic education and the disproportion between qualifications (especially intermediate school diplomas) and the market needs continue to be a source of violation of the provisions of the Optional.

The exposure of street children to exploitation and violent act is another problem. Because of their social environment and the lack of care provided to them, children are seen as an easy target for criminals to use in illegal and criminal activities in an environment where violence, organized crime

¹⁶Op: 18 candles, The Convention on the Rights of the Child Reached Majority, pages 101:112

and thuggery are prevalent. This leads to the attempted use of street children to promote prostitution or begging and to distribute prohibited substances. Cases of prostitution occur when gangs use children for sexual ends for their own members or for paying customers. As such, the main dangers facing street children are violence and sexual exploitation by gangs, individual adults, police officers or adult detainees. Studies indicate that at least half of the street children are exposed to sexual exploitation (including perverse sexual tendencies) and the use of drugs and prostitution. The case of Ramadan “the Turbine” came into the public domain following confessions to crimes of child abduction, sexual assault and murder. Among street children, girls are the more likely victims of violence, violation and sexual exploitation. A number of children work as domestic servants where they are subjected to verbal or physical abuse and the denial of wages or part of it. More often than not, a girl domestic worker becomes a merchandise in the hands of an agent who takes the girl from one household to another and deny her part of her wages. The agent overlooks exploitation and mistreatment of the domestic worker as long as she gets her cut from the deal.¹⁷

Egypt’s Reports to the Committee on the Rights of the child

Egypt was one of the leading countries to call for the adoption of an international Convention on the Rights of the Child. In 1988, it played host to a summit meeting in Alexandria where it presented the first draft of the Convention including article 21 on Kafalah as an Islamic alternative to adoption. Egypt had in mind the desire to see the widest Arab and Muslim ratification of the Convention. This effort was crowned with success and

¹⁷ Committee on the Rights of the Child, consideration of reports submitted by States parties under article 44 of the Convention on Third and fourth periodic reports of States parties due in 2007, Egypt, 29 December 2008, pages 89-90

Egypt was one of the first 20 member States to ratify the Convention, to be followed by the ratification of the two optional protocols. Egypt submitted its first report to the Committee on the Rights of the Child in October 1992 and the report was discussed at the Committee's third session in January 1993. The second periodic report was submitted on 15 September 1997 and was discussed at the 27th session in January 2001¹⁸. Both the 3rd and 4th periodic reports were submitted in December 2008.

Egypt ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography, 14 July 2002, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 6 February 2007.

Recommendations by the Committee on the Rights of the child on Egypt's 3rd and 4th periodic report regarding legislation:

The Committee was concerned that some provisions of domestic law, including family law, are still not in full conformity with the provisions of the Convention, mainly due to restrictive interpretation of some domestic laws, and that the reservations to articles 2 (Sharia) and 16 (equality between men and women in family matters) of the Convention on the Elimination of All forms Discrimination against Women may hamper the implementation of the Convention on the Rights of the Child in the State party. Furthermore, the Committee also notes with concern the limited use of the Convention in national courts, despite article 151 of the Constitution pursuant to which the Convention has the force of domestic law.

The Committee strongly recommended that the State party to:

- Continue to review domestic legislation to ensure its full compliance with the Convention, including by considering withdrawing its reservations to articles 2 and 16 of the Convention on the Elimination of All forms of Discrimination against Women.
- Ensure that the Convention is invoked directly before and applied by domestic courts.
- Prohibit and criminalize marriage of persons below the age of 18 in domestic legislation.

¹⁸ Ibid: page 4

- Put in place effective enforcement mechanisms for ensuring the recovery of child maintenance from parents who have had their parental rights removed or suspended by court decisions, and consider adopting new legislation to this end, as well as to strengthen the monitoring role of Child Protection Committees at governorate and district levels of the execution of decisions on child maintenance by Family Courts.
- Pursue plans of strengthening maternity protection legislation, as indicated by the delegation, and to intensify efforts to reach the target of 60 per cent enrolment of children in pre-schools.
- Repeal provisions in domestic legislation depriving women of their financial rights in case of divorce and ensure that the law guarantees equality between men and women in matters relating to divorce and child-rearing responsibilities.
- Amend the Child Law (2008) so as to prohibit abduction of children, regardless of family kinship, and ensure appropriate penalties.
- Consider ratifying or acceding to Hague Convention No. 28 on the Civil Aspects of International Child Abduction, 1980 and to ensure its incorporation into domestic legislation.
- Ensure that domestic legislation explicitly prohibits all forms of physical and mental violence against children in all settings.¹⁹

Child Law no. 12/1996 amended by the Child Law no. 126 /2008

To respond to the concluding observations by the Committee and as a reflection of the developments taking place in Egypt over the past few years, the National Council for Childhood & Motherhood (NCCM), inspired by the Convention and the concluding observations by the Committee on the second periodic report, adopted a draft amendment to the Child Law No. 12 of 1996 through a participatory process that included civil society organizations and children with the aim of raising awareness levels of the content of the amendments. The Legal Committee of NCCM

¹⁹ Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Egypt, Fifty-seventh session.

had already embarked on a comprehensive review of the provisions of the Law in accordance with articles of the Convention on the Rights of the Child. A list of proposed amendments was shared with and accepted by civil society organizations after making their own additional proposals. The Legal Committee visited several regions all over the country to listen to other proposals, to promote the amendments and to rally support for them.

Amendments to Egypt's Child Law 12/1996, seeking to extend the legal protection offered to children, were presented to the legislative committee of the People's Assembly for discussion. The proposals are part of a package drawn up by the National Council for Childhood and Motherhood (NCCM), "The real significance of the current amendments is that they adopt a rights-based approach". The modifications are based on changing the way in which society views such children." Enforcing the new amendments was crucial to changing prevailing stereotypes about street children.

The proposed amendments covered more than 60 articles in the form of redrafting or additions. Some of the amendments such as female genital mutilation, the minimum age of marriage for girls, medical examination before marriage, criminal responsibility and the right of a mother to register a child born outside marriage were the subject of an intense popular debate for being new notions and because of their incompatibility with Egyptian tradition in the eyes of segments of society. NCCM, however, with the help of civil society organizations, led a campaign to explain the benefits of the change to both children and society. The drive resulted in the adoption by the People's Assembly of Child Law no. 12 of 1996 amended by Child law No. 126 Of 2008 which came into force on 15 June 2008. The adoption of the amendments by parliament is viewed as a great victory for the rights of the child and a quality shift in society's perception of such rights. It is safe to say that parliament successfully approved more than 90 % of the amendments submitted. The amendments focused on bolstering the perception of the rights of the child, the need to fully implement these rights and on ensuring that children from marginalized groups enjoy the same rights without discrimination.

The content of the amendments

Article 1 stipulates that the State shall guarantee, as a minimum requirement, the same rights provided for in the Convention on the Rights of the Child and other relevant international instruments applicable in Egypt. The amendments further strengthen the principles of the right of the child such as the right to education, the right to health and good health care, and the right to a clean environment.

Article 3 of the Law makes specific reference to the four general principles in the Convention (articles 2, 3, 6 and 12) as follows:

- a) The right of the child to life, survival and development within a harmonious family environment, and to enjoy full protection from all forms of violence, harm, physical and mental and sexual abuse, negligence, and all other forms mistreatment and exploitation;
- b) Protection from any kind of discrimination irrespective of place of birth, parents, sex, religion, race, disability or any other consideration, and ensuring the equality of the enjoyment of such rights;
- c) The right of a child who is capable of forming his or her own views and to express those views and to be given the opportunity to be heard in all matters affecting him or her including judicial and administrative proceedings in accordance with the procedures determined by the law;
- d) The best interests of the child assume paramount priority in all decisions and measures taken or implemented by the authorities (this paragraph was not covered by the amendments as it was in the text of the Child Law No. 12 of 1996 but was made extensively operational in all the other amendments introduced).

The amendments guarantee the elimination of discrimination against a child (not recognised by the father). The mother can register the birth and can obtain a birth certificate with her maiden name appearing in the appropriate field of the certificate until the identity of the father is legally proven. Article 4 asserts the right of a child to his or her legal ancestry by all possible means. The Law also asserts the right of the child to nationality and the non-discrimination against a child born to an Egyptian mother and a foreign father.

The amendments include raising the minimum age of marriage for girls to 18 years as the case is with boys. Moreover, medical examination before marriage was made mandatory and was added to the provisions of the Civil Status Law. Other amendments prescribe punishment for female genital mutilation, with a new provision also introduced to the Criminal Code, a prohibition on physical abuse, setting the age of criminal responsibility as 12 years as part of a new comprehensive judicial system for children based on rehabilitation and reintegration as opposed to punishment, in line with General Comment No.10 by the Committee.

Another amendment is the abolition of fees and insurance charges for obtaining a birth certificate to encourage the immediate registration of births and the enjoyment of health and social care. The law enforced the right of children with disabilities to public education.

The Law has also introduced the term “Children at Risk” to replace the expression “potentially deviant children”. A new philosophy is adopted whereby children’s delinquency is not viewed as a natural instinct but an outcome of social, economic, psychological and environmental factors outside a child’s control in most cases. Moreover, the amendments are intended to provide protection for new categories of children such as child victims and witnesses of crime. This strengthened protection falls in line with international standards in terms of the right to rehabilitation, treatment and reintegration into society.

The Law prohibited exposing children to physical harm, illegal measures or emotional harm. It also provides children with protection from trafficking, sexual harassment, exploitation, physical or emotional harm, neglect by a parent or guardian or carer, economic or commercial exploitation. The Law prescribes punishment for such offences (article 7bis (b), now under article 291 of the Criminal Code).

Article 7bis (b) of the Law prohibits the use of children in armed conflicts or direct military operations. A new part, Chapter 10, has been added to the Child Law to establish a special fund for childhood and motherhood to be affiliated to “NCCM” to provide for children in danger. The provisions

of the project spell out the sources of funding and objectives of the fund (articles 144 and 144 bis (c)).

In spite of the diversity of provisions in the Law to protect children, in general, and offences such as sexual exploitation, prostitution, theft and abduction, in particular, there is no specific reference to the use of violence against children by the family or at school, or elsewhere other than what is stipulated in articles 7bis (a) and article 96. The legislator believed it sufficient to leave the issue of child protection from violence to the decision of the judiciary. Marks on a child's body such as scratches, or a simple body or skin traumas, even when caused by another member of the family, is considered a serious offence under the provisions of the Law.

The amendments guarantee children the right to benefit from care in crèches and that the State is responsible for ensuring this right. According to the Law, every prison establishment for women must have a crèche meeting the legal requirements of similar institutions outside prison and where inmates' children can be kept until the age of 4. The child is to be accompanied by the mother for the first 12 months.

Part 8 of the Child Law addresses the protection of children at Risk through a new mechanism to strengthen the implementation of the Law. Protection committees involve the participation of civil society as authorised by law. The child helpline is another mechanism. Articles 97 to 99 bis (a) determine the authority of these committees and method of work. These committees include:

- a) The child protection committees: These committees are in charge of drawing up and implementing policies at provincial level. The governor chairs the committee and the membership comprises officials from bodies involved with childcare and a representative of civil society;
- b) Child protection sub-committees: These are bodies at local levels "districts" in charge of monitoring and following up the cases of Children at Risk and providing preventive and remedial measures. They come under the supervision of the provincial general committees. Their membership includes a representative of civil society whenever this is possible. A public administration for child help was also established as a new mechanism to enforce the Law backed up by the Helpline 16000. The

administration is responsible for addressing the cases of children who find themselves on the wrong side of the law. The law introduced new measures such as community service, and has placed special emphasis on the principle of liberty deprivation steps as a last resort.

The abovementioned committees rely on the partnership between the competent Government authorities such as the Ministry of Social Solidarity, the Ministry of Health, the Ministry of Education and the Ministry of the Interior, and nongovernmental organizations as provided for in the Law. This principle of having such committees is also intended to make use of existing Government services.

Decentralization of the work of such committees manifests itself in the method they function. At provincial level, they draw up comprehensive policies for child protection taking into consideration the multitude of dimensions involved and the rights guaranteed under international conventions. Such policies include health, education, social services and the relationship between a child and the law and law enforcement agencies. Sub-committees are responsible for the implementation of the above policies and the operational measures such as monitoring children at Risk and taking action when such intervention is warranted. The interaction between the general committees and sub-committees, as provided for by the Law, ensure the presence of a comprehensive network combining prevention and remedies, on the one hand, and monitoring the situation of children and providing them with the required services, on the other.

According to the Law, procedures for dealing with a delinquent child must be simplified taking into account the circumstances of the child. For example, children under the age of 15 years are not to be kept in preventive custody, and that no physical force is to be used during arrests.

Under the amendments, any adult, parent, guardian, custodian, carer or an employer of a child domestic worker is to serve double the punishment prescribed if they commit an offence against a child.

By law, any person found responsible for publicizing or divulging to the media information about or photographs of a child whose case, as an

offender or as a child at risk, is being considered by the competent authorities, faces a penalty ranging from 10,000 to 50,000 Egyptian pounds.

Legislation obliges any person with information about a child being subject to any risk must act urgently to prevent or eliminate such risk (article 96). NCCM was unable to convince the People's Assembly to pass a number of other amendments such as considering not reporting on violence against children as an offence and the full prohibition of corporal punishment by the family. As a next step, NCCM intends to focus on raising awareness levels on these issues to lobby support within parliament. It is expected that the shift in attitudes generated by the approved amendments can pave the way for wider acceptance by society of further changes in future.

The Law came into force on 15 June 2008 and several cases have been brought before the courts as a result. NCCM now faces the new challenge of effective implementation and raising awareness within society of its importance.

Since the entry into force of the Law, NCCM has embarked on an action plan to train Government officials and civil society members on how to implement the amendments, mainly through "Combating Violence against Children Programme" which is being implemented by NCCM in cooperation with the United States Agency for International Development (USAID).

NCCM has also prepared a draft law on the rights of persons with disability which is inspired by the international "Convention on the Rights of Persons with Disabilities". The intention was to present the draft to parliament at its next session.²⁰

Challenges that hinder enforcing Child Law in Egypt

The presence of a law/legislation that identifies the right of the child is an essential base for demanding/requesting the right, yet this does not in

²⁰ Ibid: Committee on the Rights of the Child, consideration of reports submitted by States parties under article 44 of the Convention on Third and fourth periodic reports of States parties due in 2007, Egypt, 29 December 2008, pages 9:13

reality guarantee the implementation of that right. We should not merely conclude that it is a problem of implementing the law. There are many other factors that react in different ways according to the right itself.

The law considers violence in general a criminal act if it leads to a wound that requires treatment for a given period of time or if it results in a deformity. However, the penalty needs a clearer definition and a definite stipulation of all violent practices and inhuman treatment even if they are done within the family, with the necessity of finding a legal mechanism that would enable the victim to prosecute the attacker and provide the victim with protection.

Here is a good example showing that the law alone does not ensure the realization of a right. The Egyptian constitution states the principle of equality and the child law prohibits discrimination between Egyptian children, yet in reality there are many forms of discrimination, especially:

1- Discrimination against the girl child, which does not merely result from traditions but is imposed through the image of women as portrayed by the educational curricula and the media, particularly the Television.

2- Discrimination on the basis of social status, which is reflected in all fields: The discrepancy between the services provided for children in urban areas and rural areas.

3- Discrimination between children in difficult circumstances: disabled children, especially those with mental disability, working children, street children, and children in conflict with the law. A large percentage of them do not have basic rights such as education and health insurance (the latter only includes school children).

The child law did not include an article on nationality, but refer to the nationality law number 26/1975 which states in its second article that a child is Egyptian if: He is born of an Egyptian father, or is born in Egypt and has an Egyptian mother and a father of unknown nationality or no nationality and if he is born in Egypt of parents of unknown nationality.

There is nothing in the Child Law that indicates ensuring the child's freedom of expression whether within the family or in schools or detention institutions or through different mass communications. Also, policies and

practices prevalent in the society do not create enabling environment to practice this right as the children, themselves, indicated concerning school. Moreover the law does not provide the children with a system to present a complaints or comments to be heard when their freedoms are violated such as providing a hotline for children.

Legislation and current practices in Egypt have acknowledged that the family is the principal unit of society and the natural environment for the upbringing of children. However, the law does not clearly assert (according to article 18) that “both parents have common responsibilities for the upbringing and development of the child.”

The educational system in Egypt is still far from realizing the objectives stated in article 29 of the convention and even far from the educational objectives sited in the Egypt Child Law and the Educational law. The different parties involved in the education system, including students, teachers, parents and other pedagogues, constantly complain of the state of education in Egypt.

The minimum age for employment should be applied to house servants and that people should be obliged to inform on anybody who does not obey that law. In addition, for those who are older than this age, their work should be done through registered contracts between employment institution which are under the supervision of government and employment NGOs and between the families which require these services.

The law did not ensure the freedom of expression to children in conflict with law starting from the arresting them till presenting them to the district attorney or courts such as right to keep silence or not speaking unless in the presence of a lawyer accepted by the child.²¹

Child Law 2008 banned female genital mutilation except when “medically necessary” (a qualification many fear could undermine the prohibition).²²

²¹ NGO Coalition On The Rights of the Child, NGOs Report on the Rights of the Child in Egypt, pages 6-9-10

²² Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1, A/HRC/WG.6/7/EGY/3, page 4

Civil Society Role in implementing Child Rights

The Egyptian civil society was able to achieve multiple successes in the field of supporting the rights of women and children. With the rights of the child, a significant breakthrough was the issuance of the Egyptian Child Law, which came in line with the International Convention on the Rights of the Child (CRC) to a large extent, although it was faced by severe internal criticism. The peak of success in that arena was establishing a Ministry for the Family and Housing that pledged on top of its priorities improving the conditions of the Egyptian child in a decade.²³

IT IS vital that children and young people themselves are able to contribute towards enforcing their rights because:

- They are the people with the most direct experience of the situation of children and they can help governments understand their problems better.
- They have a right (contained in Article 12 of the UN Convention on the Rights of the Child) to be consulted on all decisions which affect them
- Children and young people can and want to play a part in supporting the implementation of their rights.
- It helps to build democracy and encourages responsibility among children for their lives, communities and societies.

Children and young people participation in implementing their rights requires different kinds of support such as:

- Access to information
- Access to resources (including money, places to meet and computers)
- Training in skills such as facilitation, advocacy and negotiation

²³ Civil Society and Human Rights in Egypt, Egyptian-Style Waltz, 2004-2009. A vision presented by Attorney-at-Law: Negad El-Borai, page 7.

- Opportunities to share information and approaches with other groups of children and young people

Civil society groups, parents, community associations, Non Governmental Organizations, etc – can play an important role in providing that support. The civil society support could included:

- Moral and financial support to stay involved.
- Persuading government that children and young people's involvement is practical and worthwhile.
- Training of children to facilitate the maximum participation of children and young people in enhancing their rights.
- Training of adults in government to overcome their resistance to children and young people's involvement and to give them the confidence and skills to encourage children's involvement.
- Support to capacity-building with child-led and youth-led organisations
- Acting as an intermediary and facilitator between government and children and young people.
- Supporting peer (child-led) research to produce evidence to support children's advocacy.
- Producing child friendly versions of key documents.
- Working with children and young people to follow up on government promises and hold governments accountable
- Organising meetings to share information and consult with children and young people.
- Helping children and young people learn more about how governments work and how they can contact the right people. Who, where and how?
- Taking special action to ensure all young people are part of the processes, including young people with disabilities, children under the age of 12, rural and urban children, boys and girls, children in armed conflict, orphans and marginalized young people.

- Understanding that participation experiences only become positive if they are carried out within a framework of respect for the interests of children and young people, if they are based on real participation and no attempt is made to stigmatise them or manipulate the children and young people involved
- Following up on consultations with children, to let them know what happened next and what progress is being made.²⁴

Recommendations by the Committee on the Rights concerning civil society:

While the Committee on the Rights of the Child, in the last Concluding Observations of Egypt's reports, acknowledges the important role played by non-governmental actors in the provision of services for children, the Committee recommends that the State party undertake a comprehensive review of their involvement in the provision of core social services for children as well as their participation in policy formulation and programme development for children. The Committee, recalling paragraph 44 of its general comment No. 5 (2003) on general measures of implementation, reminds the State party of its obligation to ensure that non-State service providers operate in accordance with the Convention. The State party is encouraged to establish a system of continuous monitoring and evaluation of social services provided by private entities for children, including by elaborating appropriate standards.

As well, the Committee urges the State party to repeal Law No. 84 (2002), as part of the State party's announced reforms to strengthen human rights protection, and to implement in practice the constitutional right to freedom of association. The Committee asked the State Party to promote the active participation of civil society in activities relevant to children in street situations by providing them with human, technical and financial resources.²⁵

²⁴ Shaping Country's Future with Children and Young People, Summary guide for Civil Society, produced by Save the Children, pages 2-3.

²⁵ Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Egypt, pages 7-22

Challenges to Child Rights and the Role of Civil Society

There are many challenges in implementing child rights, and all of them affect the role of civil society.

Financial downturns and crises endanger the well-being of children. UNICEF views the current global economic crisis as threatening to reverse accomplishments in child survival and well-being:

Countries on track to meet the Millennium Development Goals could fall behind, while those that were struggling to advance could be left even worse off. The crisis threatens both the resources of families as well as national budgets, creating serious challenges to the fulfillment of children's and women's rights.

Decentralization and privatization are seen as providing a more democratic and participatory environment in which people can develop in freedom. But privatizing core services might lead States to abdicate their responsibility to children. It could also make services such as health or education too expensive for poor, marginalized and excluded children and their families.

Globalization and urbanization bring further challenges, also with consequences for children. Environmental issues such as climate change, pollution and land degradation seriously impede the realization of child rights. Natural disasters often come without warning, hitting even the most economically advanced countries and regions. Crime and violence and internal and international armed conflicts hamper realization of the rights of children. In spite of enormous efforts to prevent violence and protect children by stakeholders in all parts of the world, including civil society organizations, implementing the CRC in such circumstances remains a great challenge.

Poverty represents an overarching challenge. Yet poverty alone is not the only root cause for the failure to fulfil children's rights; many children from wealthier societies and families do not fully enjoy their rights.

Other challenges are related to social norms and values. Although values and traditions vary around the world, States parties to the CRC have agreed to a set of rights. Yet many States parties find it challenging to implement the CRC due to prejudices, stereotypes and practices that are

deeply rooted in local cultures and norms and thus are reflected in legal frameworks. These difficult challenges require patient efforts by all actors.

Many States lack political commitment to implement the general measures. Taking into account all other challenges, those related to effective and efficient governance remain of the paramount significance for fulfilment of the CRC.

Responding to all the challenges of implementing the CRC is a huge task, requiring the involvement of national and international organizations, States, the private sector and civil society. Civil society organizations are expected to respond to all challenges, including emergencies, yet it is exactly these challenges to children's rights that threaten the work and even the existence of these institutions. A State facing a crisis may choose solutions that harm children, such as reducing social spending on children. NGOs can help alleviate the consequences of crises for children while maintaining their regular activities, though they too may face falling budgets and struggle to maintain their ongoing activities.

Civil society is often the strongest voice for the promotion and protection of human rights. Implementing the rights of every child, as set forth in the CRC, should always be the primary consideration. A strong and vibrant civil society is fundamental to keeping child rights high on all agendas.

Implementing Civil Society Contributions

To ensure an ongoing and improving role for civil society in implementing the CRC, the following actions should be strengthened:

A- States

- Support NGO activities on children's rights and CRC implementation.
- Establish separate funds for assistance to child rights and child-focused NGOs.
- Establish transparent procedures for NGO funding applications.
- Adopt legislation that legitimizes the status of NGOs and enables tax incentives for their activities.
- Provide training for NGOs to help them strengthen their capacities, including in child rights monitoring and child budgeting.

- Nurture friendly and constructive relations with NGOs and promote meaningful participation of children and young people.

B- International organizations

- Mobilize, support and strengthen the capacity of civil society to actively engage in CRC monitoring and implementation.
- Promote coordination and collaboration among NGOs.
- Support child and youth organizations and other child-led activities in efforts to promote and implement the CRC.
- Strengthen adult capacities to engage children and young people in a meaningful way.
- Encourage and support States in further acknowledging and enabling civil society's activities on national and community levels.
- Prioritize the provision of support to local initiatives and do not implement directly.

C- Donors, including the private sector

- Support civil society organizations in their monitoring and implementation of the CRC.
- Engage and support civil society through corporate social responsibility.
- Act to ensure that the activities of child rights NGOs are not hampered by financial crises.
- Make all efforts to ensure that NGOs are included as partners in supporting governments and promoting active participation by children and young people.
- Support NGOs in a sustainable manner and encourage them to build networks to aid in coordinating their activities with like-minded organizations.
- Where appropriate, provide training and education for civil society organizations, including in data collection, monitoring and conducting child budget analysis.
- Promote simple procedures to apply for grants and coordinate these procedures across donor agencies.

D- Civil society

- Participate actively in implementation of the CRC, including through the preparation of alternative reports and by following up on the Committee’s concluding observations.
- Advocate with States parties to fulfil their responsibilities in implementing children’s rights.
- Collaborate with national independent human rights institutions.
- Engage students, volunteers and children in programmes and activities.
- Work to improve organizational, financial and professional capacities for better documentation of activities and lessons learned, and regularly assess and evaluate work to strengthen evidence-based advocacy.
- Coordinate and collaborate with other civil society organizations nationally and internationally.
- Continue building partnerships with governments, yet stay independent of their actions.

Through these steps it can be foreseen that the role of civil society and NGOs, in particular, in implementing the CRC will be further enhanced, leading to activities reaching the realization of children’s rights in all areas.²⁶

²⁶ The Role of Civil Society in Implementing the General Measures of the Convention on the Rights of the Child, Nevena Vučković Šahović , Innocenti Working Paper, JUNE 2010, pages 56:59

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- <http://www.unicef.org/rightsite/sowc/pdfs/panels/The%20evolution%20of%20international%20standards%20on%20child%20rights.pdf>.
- http://www.crin.org/resources/treaties/CRC_GMI.asp.
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