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**STATEMENT BY MIKIKO OTANI
CHAIR OF THE COMMITTEE ON THE RIGHTS OF THE CHILD**

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Mister Chair, Excellencies, distinguished delegates, colleagues and friends from the United Nations system, national human rights institutions and non-governmental organizations,

The **Covid-19** pandemic has affected children in countless ways, including through school closures and limited access to essential services. Child poverty is continuing to rise at an alarming rate, and many children have reported anxiety, fear and depressive symptoms due to the pandemic. States must ensure that children can safely return to in-person learning at schools and have access to support necessary for their physical and mental well-being, including vaccines and essential health, social, protection and education services. The long-term and various forms of serious impact of school closures and economic crisis on children need to be addressed with a child rights-based approach and based on the principles of non-discrimination, best interests of the child and child participation.

The Committee is also deeply concerned about the growing body of alarming evidence on the **adverse effects of climate change**, pollution, environmental harm and the loss of biodiversity, on the life trajectory of children as well as on their full and effective enjoyment of human rights. Despite having contributed the *least* to greenhouse gas emissions, all children are negatively affected. Notably however, children in particularly vulnerable situations bear the greatest burden. Those include children who live in low-lying coastal lands and other delicate ecosystems, children with disabilities, children living in poverty and children on the move.

For years, children have been asking national and world leaders and decision-makers to stop making empty promises and listen to the views and experiences of children when formulating and implementing policies and programmes on the environment and climate change. For years, their

voices calling for climate justice have been largely ignored. In response to this, the Committee decided to focus its next [general comment on children's rights and the environment, with a special focus on climate change](#). It is my hope that this general comment will provide authoritative guidance to States on ensuring a child rights-based approach to addressing environmental issues with a special focus on climate change. I also hope that it will send a clear message to children throughout the world that their voices matter and must be seriously taken into account by States. The Committee has invited States to provide, by the end of this year, any comments to its concept note on the general comment, and will dedicate the next year to drafting it – in close consultation with children and stakeholders – with the aim of finalizing it by 2023. More information will be provided on how children and other stakeholders can contribute to the process.

Mister Chair, distinguished Delegates,

In February 2020, the Human Rights Council held a high-level panel discussion, focusing on advancing the mainstreaming of children's rights within the United Nations system through a child rights-based approach. Key to integrating children's rights into all the United Nations activities and programmes in its three pillars – human rights, development and peace and security – is to recognize children's role and have their voices heard in all these areas.

Children should be able to freely express their views and have their views taken into account not just on climate change but on *all* matters and decisions that affect them. The Committee reiterates the need that children are given the space to participate in local, national and international discussions on issues that affect them, including the upcoming Fifth Global Conference on Child Labour, which will take place in 2022 in South Africa.

Allow me now to turn to the status of ratification/accession to and reporting under the Convention and its Optional Protocols and then to the activities carried out by the Committee during this last year.

While the Convention on the Rights of the Child has been **ratified by or acceded to** by all States with the exception of one, the United States of America, once again the pace of ratification of its three Optional Protocols on, respectively, the involvement of children in armed conflict (OPAC); the sale of children, child prostitution and child pornography (OPSC); and a communications procedure (OPIC), continues to be slow with only three new States parties ratifying. This is matched by a slow pace of **reporting** under OPAC and OPSC with only three new initial reports, two less than last year, received. 39 initial reports are still overdue under OPAC, of which 17 for more than 10 years; and 52 initial reports are still overdue under OPSC, of which 27 for more than 10 years. As mentioned by my predecessor, I would encourage States parties with overdue reports to use the services provided by the Office of the High Commissioner for Human Rights (OHCHR) to assist States parties in fulfilling their reporting obligations, through its [treaty body capacity-building programme](#).

I will now update you on the **activities** carried out by the Committee since last year.

Mister Chair, distinguished Delegates,

Due to the COVID-19 pandemic, the Committee had to adapt its working method to the on-line realities as an exceptional measure during exceptional times. The eighty-sixth and eighty-seventh sessions in January and May 2021 were held virtually. Due in particular to the limited time allocated for online meetings with simultaneous interpretation, time zone differences and connectivity issues, only 2 State party reports could be reviewed during the Committee's last on-line session. The eighty-eighth session in September 2021 was held in-person in Geneva and 4 States parties, 2 in-person and 2 on-line, were reviewed. Regrettably, the

consideration of the reports of Afghanistan under the Convention and the Optional Protocol on children involved in armed conflict had to be postponed. This brings the backlog of reports pending for review to 74. The Committee has also continued to work on-line and in-person on Lists of Issues and Lists of Issues prior to Reporting.

Concerning the **Simplified reporting procedure**, the Committee extended an invitation to 109 States parties to avail themselves of this procedure. 35 States have so far decided to opt in, including States parties with overdue reports that would be interested in reporting under the procedure.

With reference to the **Optional Protocol on a communications procedure** (OPIC), since October 2020, the Committee adopted decisions on 30 cases, representing a 15 percent increase for a second consecutive year. Of these 30 cases, it found violations of the Convention in 6 cases concerning *non refoulement* and right to education of non-nationals. It also found no violation in one case, it declared 6 cases inadmissible and two admissible, and it discontinued 15 cases. The Committee also adopted a Report on follow up to individual communications, as well as revising Rules on OPIC and its Guidelines on oral hearings. The Committee held its first-ever oral hearings on a case filed against five States concerning the impact of climate change on 16 children. The Committee has so far registered 159 cases against 24 States parties. These cases concern children in the context of migration, climate change, family environment, right to education, corporal punishment at school, child abduction, children of foreign fighters, and children in conflict with the law, among other issues. It has adopted 80 final decisions, leaving a total of 79 cases still pending examination. The number of complaints received continues to grow and, although the Committee has made significant efforts to examine cases as speedily as possible (so far within 2 years of receiving the case), the backlog of cases remains a concern for a procedure that is supposed to be expeditious as the alleged victims are children. Seven years after the entry into force of

the OPIC, there are still no dedicated human resources to support this mechanism to fill implementation gaps by the States parties and provide access to justice to child victims at the international level. Therefore, OHCHR has to process complaints submitted to the Committee within the existing resources of the Petitions and Urgent Actions Section. This poses a significant challenge to the efficiency of the procedure.

The Committee is also working on 4 **inquiries** and in this regard, it decided during its eighty-seventh session to establish a specific Sub-group on Inquiries, which is preparing the draft working methods for inquiries. It is concerning that there are no dedicated human and financial resources to support this important Committee's mandated work as well.

Furthermore, during its eighty-sixth on-line session, the Committee adopted its [general comment no. 25 on children's rights in relation to the digital environment](#). It clarifies how this rapidly evolving environment impacts on children's rights in both positive and negative ways and provides guidance to States on ensuring children's access to digital technologies as a means for realizing their full range of civil, political, economic, social and cultural rights. In particular, the general comment sought to balance between protecting children against all risks and harms associated with the digital environment including concerning their right to privacy and recognizing the potential of the digital environment in promoting children's rights and providing opportunities for children's voices to be heard, while highlighting the obligations of States and responsibilities of businesses in protecting children's rights in the digital environment. The general comment gives children's views a prominent place quoting reflections such as: "Through digital technology, we can get information from all around the world." Yet: "We would like the government, technology companies and teachers to help us to manage untrustworthy information online." In order to ensure that children can safely use digital technologies for their own empowerment as well as for the promotion of human rights, national implementation of the general comment is essential. The

Committee asks for your support in widely disseminating the general comment to all stakeholders, including through digital technologies, and in making it available in local languages and various formats, including age-appropriate versions.

During its eighty-eighth session, on 16 and 17 September 2021, the Committee held its first on-line [**Day of General Discussion on children's rights and alternative care**](#). Over 800 participants from all parts of the world, including from international governmental organisations, NGOs, NHRIs, the business sector, academia, experts in the area and children with experience in alternative care, attended this event. Discussions in focus groups were solution oriented and evolved around the following topics: preventing separation of children from their families; addressing the care needs and rights of children who are separated, unaccompanied or without care; access to justice and accountability for children who have suffered abuse in the system; quality of alternative care; and transforming the system towards family- and community-based care. The Committee received over 200 written and video submissions that were compiled into a background document. Children and youth conducted their own consultations and surveys. The DGD gave the Committee an excellent opportunity to hear the views of children, youth and experts in the field on how alternative care should respond to the needs and best interests of the child. The Committee will continue discussions on children's rights in alternative care in close consultation with children, youth and other stakeholders.

Mister Chair, distinguished Delegates,

Allow me now to draw your attention to the [**Global Study on Children Deprived of Liberty**](#), submitted to the General Assembly in 2019. This is the third UN study of this kind based on a General Assembly resolution, following the 1996 UN study on Children and Armed Conflict and the 2006 UN Study on Violence against Children. Like the previous two studies, this Study was initiated by the Committee's recommendation in

accordance with the provisions of article 45 (c) of the Convention on the Rights of the Child. However, unlike the previous studies, no specific follow up mechanism has been established and, in this regard, the Committee is concerned that the lack of such a follow-up mechanism may have a negative impact on the effective implementation of the recommendations of the Global Study at the national level. Children deprived of liberty have been invisible in society. The Global Study for the first time revealed the scope and reality of those children and highlighted the dire need to do much more to promote deinstitutionalisation and diversion, and end migration-related detention of children. I would appeal to all States to implement the recommendations of this important Study. The Committee will continue to play an active role together with other relevant UN entities to encourage and monitor the implementation of the recommendations of the Global Study by States.

Mister Chair, distinguished Delegates

The Secretary-General, in the last report on the status of the treaty body system (A/74/643 of January of 2020), underlined that the **resources dedicated to treaty bodies** must be sufficiently funded in a sustainable manner from the regular budget in order for them to be able to fulfil their respective mandates. This was also the recommendation of the co-facilitators appointed by the General Assembly President of the seventy-fourth session in relation to the treaty body review. Unfortunately, the regular budget adopted by the General Assembly for 2021 did not correct the shortfall in staff resources to support the human rights treaty bodies. As a result, the Committee could not use the meeting time that it is entitled to, in accordance with the formula of the General Assembly resolution A/68/268 of April of 2014. Our work should be fully funded from the regular budget of the United Nations, as the responsibility of the Member States who established them. We hope that the 2022 budget will redress this short-fall and, in particular, respect and implement the Committee's meeting time authorized by the General Assembly resolution.

Mister Chair, distinguished delegates,

Allow me now to thank the previous Chair of the Committee, Mr. Luis Pedernera, for the outstanding work he did in the past two years as Chair during this very challenging period, as well as my colleagues in the Committee for their dedicated work in very difficult circumstances, including in the middle of the night or early mornings, in order to deliver our mandate for the children of the world.

I thank you for your attention.
