

Empower children to secure their rights

FREQUENTLY ASKED QUESTIONS

about the Optional Protocol to the Convention on the
Rights of the Child on a Communications Procedure

Ratify OP3 CRC

INTERNATIONAL COALITION FOR THE OPCRC
ON A COMMUNICATIONS PROCEDURE

The Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3 CRC) provides two new ways for children to challenge States' violations of their rights. This new international treaty establishes:

1. A communications procedure – Children or their representatives can bring complaints about violations of their rights to the UN Committee on the Rights of the Child, if these were not fully resolved in national courts.
2. An inquiry procedure for grave or systematic violations of child rights.

■ WHY IS OP3 CRC NEEDED?

For rights to have meaning, all victims must have access to a justice system that will protect their rights and address violations.

States are required to address rights violations in their national justice systems. However, these systems do not always provide adequate solutions. When rights are not sufficiently protected at the national level, it is critical that there be a system to turn to at the international level in order to address violations.

The Convention on the Rights of the Child was the only major, international human rights treaty, which did not have a communications (i.e. complaints) procedure. OP3 CRC will allow children to address serious violations, like violence, exploitation or discrimination, not resolved at the national level.

Thanks to OP3 CRC, children can:

- Bring their individual cases to be considered by the UN Committee on Rights of the Child: a group of 18 independent child rights experts;
- Access a communications mechanism adapted to their specific rights, which will provide concrete recommendations to States about violations incurred;
- Get international recognition of the violations they suffered.

■ WHAT RIGHTS CAN OP3 CRC HELP PROTECT?

OP3 CRC can address violations of the rights included in the three main UN treaties on child rights: the Convention on the Rights of the Child (CRC), the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), and the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC).

■ HOW CAN OP3 CRC IMPROVE THE PROTECTION OF CHILDREN'S RIGHTS?

By ratifying OP3 CRC, States reaffirm that children are full rights-holders and allow them to seek a remedy at the international level, if violations of their rights could not be solved at national level.

The mechanisms set up under OP3 CRC are quasi-judicial. If the Committee finds that a violation has occurred, it will make concrete recommendations to the State concerned. The recommendations detail specific measures the State can take to address the violations and ensure that they will not reoccur. While the recommendations are not legally binding, States commit to follow them and provide redress to the victim.

■ HOW WILL OP3 CRC WORK?

Once in force, OP3 CRC will apply to each State that has ratified it and cover the child rights treaties ratified by that State.

1. The communications procedure:

Children themselves, or their representatives, can bring a communication about the violation of their rights under the CRC, OPSC, or OPAC to the UN Committee on the Rights of the Child, if:

- Their State has ratified OP3 CRC,
- They have already brought the same complaint before national courts and could not get a remedy, except if they can prove that national remedies are ineffective or unduly prolonged, and
- Their communication concerns violations of rights guaranteed in a treaty ratified by their State.

2. The inquiry procedure

Anyone, including an individual or an NGO, can submit information to the Committee regarding grave or systematic violations of rights guaranteed under the CRC, the OPSC and/or the OPAC, if:

- The State has ratified OP3 CRC and accepted the inquiry procedure, and
- The violations concern rights guaranteed in a treaty ratified by the State.

If the Committee finds the information reliable, it can launch an inquiry, which may include a country visit if the State concerned consents to it.

Working methods of the Committee

When examining a communication or inquiry, the Committee will follow the provisions of OP3 CRC and its own rules of procedure, which require it to have regard to the principle of the best interests of the child, and the rights and views of the child.

Outcome of a communication/an inquiry

If the Committee establishes that a violation has occurred, through either procedure, it will issue recommendations to the State that may include: rehabilitation, financial compensation or requests to prosecute the perpetrator(s).

■ HOW CAN OP3 CRC BE APPLICABLE IN YOUR COUNTRY?

- **OP3 CRC enters into force with 10 State ratifications**

OP3 CRC will be applicable, when it is ratified by 10 UN Member States which are a party to the CRC, OPSC and/or OPAC. When this happens, OP3 CRC will apply to all of these States, and then upon ratification by each subsequent State.

- **National process to accept the ratification of OP3 CRC**

For OP3 CRC to apply in a State, it must be ratified by the State's national government. This process differs from State to State and often requires the parliament's approval. When it ratifies a treaty, a State agrees to be legally bound by its provisions.

- **Ratification of OP3 CRC by your country**

Any State that has ratified or acceded to the CRC, OPSC and/or the OPAC can ratify or accede to OP3 CRC at any time at the United Nations in New York.

Check the status of OP3 CRC in your country at: www.ratifyop3crc.org/RatificationStatus

■ WHY SHOULD A STATE RATIFY OP3 CRC?

1. To reaffirm its recognition of children as rights-holders

OP3 CRC ensures that child rights violations can be addressed at the international level in the same way as violations of any other human rights.

2. To reinforce its national remedies

Thanks to the implementation of OP3 CRC, States will have a better understanding of the CRC, OPSC and OPAC and how their legal systems can be further developed to strengthen their protection of child rights.

3. To strengthen its commitment to the rights of its children with minimal implementation obligations

OP3 CRC is an additional tool for the implementation of child rights, similar to the communications procedures of all other UN human rights treaty bodies. It does not introduce new substantive rights and therefore does not create new obligations for States to implement.

4. To demonstrate international leadership in child rights

By ratifying OP3 CRC, States demonstrate a strong commitment to respect, protect, and fulfill child rights and lead by example at international level.

■ HOW CAN YOU ENCOURAGE YOUR GOVERNMENT TO RATIFY OP3 CRC?

There are a number of activities you can undertake to advocate for the ratification of OP3 CRC, including:

- **Raise awareness about OP3 CRC** by sharing information, hosting events and encouraging discussions at the national level.
- **Get involved in your State's ratification process** and support national NGOs and Children's Rights Institutions.
- **Inform your State's national government** about the importance of OP3 CRC and coordinate efforts with Ratify OP3 CRC – International Coalition.

Learn more about possible strategies and activities at www.ratifyop3crc.org/Material

About Ratify OP3CRC

INTERNATIONAL COALITION FOR THE OPCRC ON A COMMUNICATIONS PROCEDURE

The International Coalition provides a platform for coordinated action of national, regional and international NGOs and networks, human rights institutions, and other non-governmental bodies that are committed to the rapid entry into force of OP3 CRC.

The International Coalition was set up in 2012 to raise awareness about OP3 CRC, and share information and ideas to help interested partners work towards ratification of OP3 CRC. It is guided by a Steering Committee composed of 13 regional and international child rights NGOs. The International Coalition succeeds the NGO Group for the CRC's Working Group for a Communications Procedure, which coordinated the campaign for the drafting and adoption of the OP3 CRC.

JOIN RATIFY OP3 CRC TODAY

Organisations that join the International Coalition stay connected and up-to-date on the Coalition's work, proposed activities, and upcoming events. It is free to join and members have access to tools and publications about best practices and lessons learnt to help with advocacy efforts. They can also share their experiences and collaborate with other members.

www.ratifyop3crc.org/joinus

LEARN MORE ABOUT OP3 CRC

You will find additional information on OP3 CRC on the Coalition's website www.ratifyop3crc.org/Material:

- The full text of OP3 CRC
- The Coalition's Advocacy Toolkit
- Various advocacy tools



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