



Strasbourg, 18 September 2007

CommDH/Speech(2007)13
Original version

“Making international and regional human rights complaints/communications mechanisms child-friendly”

Statement By Thomas Hammarberg, Commissioner for Human Rights

Conference on “International Justice for Children”

Strasbourg, 17-18 September 2007

As yet, few of the complaints dealt with by available international and regional human rights mechanisms have been initiated by children. This is certainly not because breaches of children’s human rights are rare. We know the extent and severity of them from the reporting procedures under the UN Convention on the Rights of the Child and other instruments, including regional ones.

These mechanisms are not well known to children or to those working with and for them. We are not aware of any mechanism that has carried out a review to consider what could be done to increase their genuine access to children and to make them child-friendly.

We hope one of the outcomes of this conference on “International Justice for Children” will be to provoke such reviews. The following draft checklist is intended to initiate debate, both in the conference and beyond, on how to ensure that these mechanisms are genuinely accessible to children and their representatives, and child-friendly in the way they work:

- Children and those working with and for them need to know these mechanisms exist and that they are accessible to children.
- States which have accepted any of these mechanisms need to guarantee children unrestricted access to use them. For instance, they must ensure that there is no legal principle requiring parents’ consent for such action (today, this is a real problem in several European countries, and others in all regions, where children cannot make individual applications to domestic courts, let alone to international mechanisms).

Children should be able to apply at any age. When others are acting on behalf of children, there should be some process whereby the mechanism strives to ensure that the application is being pursued in the child’s best interests and, where the child has capacity, with their consent. Also, it



should be possible for groups of children, and child- and youth-led organisations, to make complaints.

- The mechanisms must be genuinely accessible to children. Each mechanism should review all aspects of their procedures to ensure that this is the case. In particular:
 - Information about the mechanism should be disseminated in child-friendly language and in places where children and their representatives are - in particular, to children in schools (including as part of the regular curriculum), hospitals and other institutions, including where children may be detained.
 - Any “hurdles” on applying should be carefully reviewed from a children’s perspective. For example, the common condition that applicants must have exhausted domestic remedies should be applied sensitively in the case of children: mechanisms should be very careful not to reject applications unless they are really confident that domestic remedies are effective and genuinely available to children. Similarly, time limits on making an application should be treated flexibly in the case of child applicants who might not have had access to information on the mechanism.
 - Consideration should be given to fast tracking applications from or on behalf of children, with an understanding of children’s sense of time and the urgency of remedying breaches of their rights while they still are in their childhood. Decisions should be arrived at as rapidly as possible, subject to the need for full consideration of the case. Any process for enforcement of the decision should also be speedy.
 - If the procedure includes a hearing, all aspects of it should be reviewed to ensure it is child-sensitive (see UN Guidelines in Matters of Justice for Child Victims and Witnesses of Crime, Economic and Social Council resolution 2005/20, 22 July 2005).
 - The whole process should be able to guarantee the anonymity of the applicant when necessary and requested.
 - Those involved in the mechanisms, as decision-makers or judges and as secretariat or support staff should receive special training. Training should also be available for lawyers and others representing children before the mechanisms.
 - There should be possibilities of legal aid adjusted to the needs of children.
 - Summaries of decisions on applications concerning children should be issued in child-friendly language.

This checklist was developed for an article by Thomas Hammarberg and Peter Newell in the forthcoming Child Rights Information Network Review, www.crin.org