



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER



# ***Ratifying the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPIC-CRC)***

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**A toolkit**

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## *About the toolkit*

*The 75th anniversary of the Universal Declaration of Human Rights celebrated in 2023 is an occasion to renew the ground-breaking commitments made by States when they adopted the text in 1948. The Declaration has inspired the norms and standards that are embodied in the core human rights treaties and their optional protocols. These instruments aim to realize the rights contained in the Declaration, by making human rights legal entitlements with legally binding obligations for States.*

*Ratifying these instruments is an essential means to translating the human rights enshrined in the Declaration into reality on the ground, while conveying a message of commitment to the international community.*

*Human Rights 75 is an initiative led by UN Human Rights and its partners. It seeks, among others, to promote universality and renewed commitment, including through a campaign advocating for the ratification of the core human rights treaties and their optional protocols. Thus, this year, States are called upon to formally re-commit to the protection and respect of human rights by ratifying outstanding human rights instruments.*

*This toolkit presents the benefits of ratifying the Optional Protocol to the Convention on the Rights of the Child on Communications Procedure (OPIC-CRC), answers questions on its content and application, and provides a simplified version of the provisions of the Optional Protocol.*



## Why Ratify?

*The Optional Protocol establishes a procedure that allows the Committee on the Rights of the Child to consider individual complaints. The Optional Protocol enhances the implementation of the Convention on the Rights of the Child and, where applicable, the Optional Protocol regarding the sale of children, child prostitution and child pornography, and the Optional Protocol on the involvement of children in armed conflicts.*

*Ratifying the Optional Protocol to the Convention on the Rights of the Child on Communications Procedure (OPIC-CRC):*

**1. Reaffirms the State's commitment to protecting and advancing the rights of children** and is therefore an important step for upholding human rights standards and promoting their universality.

**2. Reaffirms the status of children as rights-holders** and dignified human beings with evolving capacities.

**3. Ensures the protection and promotion of children's rights** as it strengthens and complements national mechanisms in the protection and promotion of children's rights while fostering trust between children, civil society, and the State internationally.





# Why Ratify?



**4. Empowers children** as States ensure their access to justice in matters affecting their lives at the international level through child-friendly and child-centred procedures by children's rights specialists.

**5. Implements the commitment to "leave no child behind"** and gives an additional means for children or their representatives to restore their rights or seek remedies for violations.

**6. Sends a strong signal** that a State is committed to ensuring accountability for violations of children's rights.



**7. Offers guidance to the national legal system** as decisions on individual complaints clarify the content of children's rights and the scope of States' obligations through concrete cases. They thus offer guidance to national authorities, including courts, especially as these rights are often recognized in national legislation and constitutions.



**8. Assists States in refining and improving their child rights protection systems** as they receive expert support from the Committee and practical solutions, including structure changes, to fill normative, policy and institutional gaps, thereby helping to prevent potential violations of children's rights in the future.

**9. Improves international cooperation** as it showcases the State's commitment to protect and advance children's rights while inspiring other States to follow suit, sending a powerful message to the international community.

# Frequently Asked Questions



## ***What is the nature of the Committee on the Rights of the Child?***

*The Committee is a body of independent experts. It acts as a quasi-judicial body when it examines individual complaints.*

## ***If the State is party to all/several core international human rights treaties and to a regional human rights Court, does the State still need to ratify the Optional Protocol?***

*Yes. The Optional Protocol allows children to submit complaints to the Committee through a child-friendly and child-centered procedure, a group of experts devoted to monitoring a convention explicitly focused on children's rights. The procedure is complementary to regional systems where these exist.*

## ***Does the Committee re-adjudicate cases that have been decided by national authorities?***

*No. The Committee on the Rights of the Child does not act like a fourth instance/appeal body. The Committee does not re-evaluate facts, evidence, or how national laws are applied by authorities unless there is a clear case of arbitrariness or denial of justice.*

## ***Does the Optional Protocol allow 'forum shopping' or applying to multiple international procedures?***

*No. The Optional Protocol has strict admissibility criteria to prevent duplication of applications between treaty bodies and other international investigation or settlement procedures.*



# Frequently Asked Questions



## ***Does the ratification of the Optional Protocol have financial implications?***

No. Ratification does not entail additional costs for the States. Procedures related to the Optional Protocol are in writing; hence, the involved parties do not need to travel to Geneva.

## ***Is the complaints procedure confidential?***

Yes. The procedure is confidential. Once adopted, decisions of the Committee are public. The follow-up report is public.

## ***Does the complaints procedure under the Optional Protocol represent an excessive burden for the State?***

No. The Optional Protocol respects the national judiciary system through the requirement of exhaustion of domestic remedies, limited timeframe for applications to be submitted and strict admissibility requirements. Since its entry into force in 2014, with 50 States Parties, the Committee has considered 122 communications. Of these it found violations in 40 cases, no violations in three, 32 cases inadmissible, and it discontinued 47 cases.

## ***Is the complaints procedure necessarily contentious?***

No. The Optional Protocol allows parties to engage in a friendly settlement process, and if agreed, the complaint will be closed and no longer examined by the Committee.

# Simplified Version

## Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPIC-CRC)



Entry into force: 14 April 2014, in accordance with article 19(1).  
Registration: 14 April 2014, No. 27531  
Status as of August 2023: Signatories: 53. Parties: 50.

*Procedural provisions of the Optional Protocol have been omitted.*

### **Competence of the Committee (Art. 1)**

*The Committee can consider complaints only against States that are parties to the present Optional Protocol.*

### **General principles guiding the functions of the Committee (Art. 2)**

*The Committee will always consider the best interests of the child and consider the child's rights and opinions. The weight given to the child's views will depend on their age and level of maturity.*

### **Rules of procedure (Art. 3)**

*The Committee will create child-sensitive guidelines for carrying out its responsibilities. It will take steps to prevent the manipulation of children and will only consider communications that are in the best interests of the child.*

### **Protection measures (Art. 4)**

*A State party must protect people from being mistreated or intimidated for communicating with the Committee under the Protocol. The complainant's identities cannot be publicly disclosed without their consent.*



# Simplified Version

## **Individual communications (Art. 5)**

*An individual or group of individuals within the jurisdiction of a State party to the Protocol can file a complaint if they believe the State has violated their rights. They can complain if the State has violated the Convention or the Optional Protocols on child prostitution and pornography or on the involvement of children in armed conflict. If a complaint is filed on behalf of others, the author must have their permission. If the author does not have permission, it must be justified.*

## **Interim measures (Art. 6)**

*Before making a decision, the Committee can ask the State party to take immediate action to prevent irreparable harm to victims in exceptional circumstances. If the Committee makes this request, it does not mean it has made a decision about whether the communication is admissible or on its merits.*

## **Admissibility (Art. 7)**

*The Committee may reject a communication for the following reasons:*

- (a) it is anonymous;*
- (b) it is not in writing;*
- (c) it is an abuse of the right to submit communications, or it goes against the Convention and Optional Protocols;*
- (d) the Committee or another international procedure has already looked into the same issue;*
- (e) domestic remedies have not been tried unless they are taking too long or helpless;*
- (f) it is not well-supported or has no basis;*
- (g) the issue happened before the State joined the Protocol unless it continued after that;*
- (h) it was not submitted within one year after domestic remedies were exhausted unless there was a good reason for the delay.*

# Simplified Version

## **Transmission of the communication (Art. 8)**

If the Committee accepts a communication, it will notify the State involved about it confidentially as soon as possible. In response, the State must provide its explanation and inform about any action it has taken within six months of being notified.

## **Friendly settlement (Art. 9)**

The Committee can offer to help the involved parties solve the issue by finding a friendly settlement that follows the Convention and/or Optional Protocols. The case will be closed if an agreement is reached with the Committee's help.

## **Consideration of communications (Art. 10)**

1. The Committee will review communications it receives as fast as possible and consider all the evidence, but only if the parties involved have seen it.
2. The Committee will discuss communications confidentially.
3. If interim measures have been requested, the Committee will review the communication faster.
4. If the communication relates to economic, social or cultural rights, the Committee will consider if the State has taken reasonable steps in line with article 4 of the Convention. The State has different options for fulfilling those rights.
5. After reviewing a communication, the Committee will share with the parties involved its opinion and any recommendations without delay.

## **Follow-up (Art. 11)**

If the Committee gives recommendations, the State party must respond in writing within six months and include information about any actions taken or planned because of the Committee's views and recommendations. The Committee can ask for more information about measures the State party has taken in response to its views or recommendations or implementation of a friendly settlement agreement through the reporting process on the implementation of the Convention or relevant Optional Protocols.



# Simplified Version

## **Inter-State communications (Art. 12)**

1. A State party can allow the Committee to consider complaints about other State parties not following the rules of the Convention, the Optional Protocol on the sale of children, or the Optional Protocol on the involvement of children in armed conflict.
2. The Committee can only consider complaints from or concerning States that have accepted this procedure.
3. The Committee can help States resolve the issue through a friendly solution.
4. States must give their declaration to the Secretary-General of the United Nations, which can be withdrawn at any time. If it is withdrawn, new complaints will only be accepted if the State makes a new declaration; however, the Committee can consider previous complaints.

## **Inquiry procedure for grave or systematic violations (Art. 13)**

1. If the Committee receives reliable information on serious or systematic violations by a State of the rights listed in the Convention or Optional Protocols, it will ask the State to explain the information.
2. Based on the State's response and other information available, the Committee may investigate and designate members to report back to the Committee, which may include a visit to the State's territory if consented.
3. The investigation will be conducted confidentially, and the State's cooperation will be sought throughout the process.
4. After examining the investigation's findings, the Committee will send the results, comments, and recommendations to the State without delay.
5. The State must respond with its observations within six months of receiving the Committee's findings and recommendations.
6. The Committee may include a summary of the investigation's results in its report after consulting with the State concerned.
7. A State may declare that it does not recognize the Committee's authority over some or all the instruments listed in paragraph 1.
8. A State may withdraw its declaration at any time by notifying the Secretary-General of the United Nations.

# Simplified Version

## ***Follow-up to the inquiry procedure (Art. 14)***

*After six months, the Committee may ask the State party to inform it of the measures taken in response to an inquiry under Article 13.*

*The Committee may also ask for more information about the measures taken by the State party in response to an inquiry under Article 13 and may request this information in the State party's reports under the Convention or relevant Optional Protocols.*

## ***International assistance and cooperation (Art. 15)***

*The Committee may share, with the consent of the State party concerned, its views or recommendations concerning communications and inquiries that indicate a need for technical advice or assistance with United Nations specialized agencies, funds, and programs and other competent bodies. With the consent of the State party concerned, the Committee may also inform these organizations about any issues raised in cases that may help them decide on ways to improve the implementation of the Convention's and Optional Protocols' rights.*



