

About Rights of the Child activity

International laws against torture are all applicable to children, including the principles that govern detention conditions, such as the Convention on the Rights of the Child, the Riyadh Guidelines and the Beijing Rules, the Convention against Torture and the International Covenant on Civil and Political Rights.

Nonetheless, in 1991, OMCT's General Assembly decided to create a specific programme for children after recognizing that international institutions did not have sufficient information on torture and other violent acts committed against children. Indeed, various UN committees used an interpretation of Article 1 of the Convention against Torture that did not take into account the specific situation of children. Moreover, even though the Committee on the Rights of the Child enjoyed broad jurisdiction on the situation of children, it could not address individual cases. Further, although the special mechanisms (e.g., rapporteurs and working groups) could be alerted of all types of cases, very few were communicated by children's rights organisations.

In addition, OMCT was able to observe that the Committee against Torture and the Committee on the Rights of the Child had a restrictive approach to torture against children. These bodies often failed to take into consideration certain cases of violence against children under the pretext that the aggressor was not a State agent. Over the past 10 years, OMCT has been fighting for the creation of an international defence and protection mechanism for all forms of violence against children.

During the Tampere conference in 2001, OMCT launched a discussion on the issue of State responsibility and the interpretation of torture in relation with the rights of the child. The principles that were adopted at the time have progressively been taken up by international institutions. OMCT's current challenge is to convince States to accept these principles and to respect them through binding agreements.

"We are writing to thank you and to tell you to what extent we appreciate the immediate and efficient assistance you provided us to help children in prison, who suffer from inhumane detention conditions and guard brutality, as well as from the exploitation and violence they are subjected to by adults and prison gangs. Eighteen children and teenagers were supported thanks to your efforts." - **Preda Foundation, Philippines**

The "Children's Rights" programme publishes alternative reports that primarily examine the laws and practice of States in order to verify that they respect the Convention on the Rights of the Child. However, OMCT does not limit itself to legislative analysis. It also presents concrete cases of rights violations and specifically analyses States' application of Article 2 (principle of non-discrimination), Article 6 (right to life), Article 19 (protection against all forms of violence), Article 34 (sexual exploitation and violence), Article 35 (sale of and traffic in children), Article 37 (torture and

deprivation of liberty), Article 39 (recovery and reintegration of victims), and Article 40 (administration of juvenile justice) of the Convention on the Rights of the Child. Article 37 is particularly important for the work of OMCT's Children's Rights programme because it prohibits torture and other cruel, inhuman or degrading treatment or punishment, as well as capital punishment and life imprisonment without possibility of release for offences committed by persons below 18 years of age at the time of the incident.

The Children's Rights programme also submits alternative reports to the Committee against Torture and the Human Rights Committee. The objective is to raise awareness in these committees regarding children's specific situation and to integrate this dimension into their work, especially in their final observations and recommendations. OMCT is currently the only international NGO that presents this type of specific report to committees.

The Committee on the Rights of the Child cannot address particular cases, but it is nonetheless authorised to issue recommendations on the legislation and practice of States regarding their compliance with the Convention on the Rights of the Child. OMCT reports are thus very useful, since they offer concrete cases of violations of children's rights, analyses and commentaries that very few NGOs present.

Lobbying has proved to be particularly necessary in the framework of the Secretary General's Study on Violence against Children. OMCT advocated for the creation of a UN mechanism that would be able to quickly react to cases of violations of the rights of children. OMCT also lobbies study and work groups such as the Inter-Agency Panel on Juvenile Justice and many sub-groups of the NGO Group for the Convention on the Rights of the Child, in addition to its active work on the issues of juvenile justice, violence against children and the Human Rights Council.

Thanks to OMCT's work on children and torture, violations of the rights of children are now integrated into the activities and reports of the UN's Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions. Finally, both the United Nations General Assembly and the Human Rights Commission officially picked up the idea of a study on violence against children in 2002, as recommended by OMCT during the Tampere International Conference it had organised in December 2001.

The main objectives of the Children's Rights programme are:

- To protect children from torture and other forms of violence through prevention, denunciation and international advocacy in order to create international pressure against a State so that violence is avoided or ceases.
- To promote and defend children's rights by reinforcing the protection of children who are victims of torture or threatened by torture and other cruel, inhuman or degrading treatment or punishment.

The OMCT is a member organization of the United Nations Interagency Panel on Juvenile Justice (IPJJ), a coordination panel on technical advice and assistance in juvenile justice composed of United Nations agencies and non-governmental organisations actively involved in juvenile justice. The IPJJ was established following the United Nations Economic and Social Council (ECOSOC) Resolution 1997/30.

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