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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Strengthening a child rights-based approach in the work of the United Nations

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution 49/20, in which the Council requested the United Nations High Commissioner for Human Rights to prepare a report with specific recommendations on how to strengthen a child rights-based approach in the work of the United Nations.

In the report, the High Commissioner describes how children's rights are integrated into the delivery of the mandate of the High Commissioner to mainstream and coordinate a human rights-based approach in the United Nations system and highlights promising practices of mainstreaming children's rights in the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations human rights mechanisms and investigative and accountability mechanisms. It contains commitments targeted at strengthening the mainstreaming of children's rights, in the work of both OHCHR and the mechanisms, with an intended ripple effect on the entire United Nations system.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

I. Introduction

1. In its resolution 49/20, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a comprehensive report with specific recommendations on how to strengthen a child rights-based approach in the work of the United Nations, in consultation with all relevant stakeholders.
2. In the present report, the High Commissioner draws on the inputs received from the children, United Nations entities and civil society actors consulted during the process of elaborating the 2023 Guidance Note of the Secretary-General on Child Rights Mainstreaming.¹ In 2022, child-friendly consultations, organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in partnership with Child Rights Connect, were held in virtual format in four major regions of the world to gather views from children about their vision for a strengthened children's rights approach in the United Nations. The High Commissioner also draws on a 2023 survey for children carried out in connection with the Human Rights 75 initiative.² An expert round table was jointly organized by OHCHR, Save the Children International and Child Rights Connect in October 2023, with representatives from Member States, civil society, OHCHR and the United Nations Children's Fund (UNICEF). Key outcomes of the meeting are also reflected in the present report.
3. The request of the Human Rights Council for specific recommendations on how to strengthen a children's rights-based approach in the work on the United Nations has been answered in part by the framework for United Nations action contained in the Guidance Note. To allow for an in-depth analysis of the contributions of United Nations system entities to a children's rights-based approach and how to further strengthen it, the High Commissioner therefore focuses, in the present report, on the work of OHCHR and the human rights and investigative and accountability mechanisms it supports in advancing a children's rights-based approach. The High Commissioner puts forward proposals on how such an approach could be enhanced as a first step to further strengthen the children's rights-based approach in the United Nations system, in line with the recommendations in the Guidance Note.

Background

4. With the year 2019 marking the thirtieth anniversary of the adoption of the Convention on the Rights of the Child, the annual high-level panel discussion on human rights mainstreaming, held on 24 February 2020, during the forty-third session of the Human Rights Council, was dedicated to advancing the mainstreaming of children's rights within the United Nations system through a children's rights-based approach. The discussion addressed the schism between the significant role that the Convention on the Rights of the Child attributes to United Nations entities in advancing its objectives and the acknowledgment that the United Nations system still lacks a holistic, child-centred approach that recognizes children as rights holders who are potentially affected by the decisions and actions of all of its entities.³ Participants in the discussion identified the need to create space in United Nations institutions to ensure that children's voices were heard and their views were considered, with pledges made by heads of key United Nations system entities to mainstream

¹ Available at <https://www.ohchr.org/en/documents/tools-and-resources/guidance-note-secretary-general-child-rights-mainstreaming>. The United Nations entities consulted included the United Nations Office on Drugs and Crime, the Department of Economic and Social Affairs of the Secretariat, the Joint United Nations Programme on HIV/AIDS, the Department of Peace Operations of the Secretariat, the Office of Legal Affairs of the Secretariat, the International Labour Organization (ILO), the Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict and the Committee on the Rights of the Child. Submissions were also received from World Vision International and Save the Children International.

² Human Rights 75, Child Rights Connect and OHCHR, "Children's vision for human rights" (December 2023).

³ See <https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/43session/Pages/Panel-discussions.aspx>.

the rights of the child in their work, including through strengthened cooperation among entities. The event provided the backdrop against which Council resolution 49/20 was adopted.

II. Normative and institutional framework

A. International norms

5. The Convention on the Rights of the Child provides the normative human rights framework within which the strengthening of a children's rights-based approach must take place. It establishes a set of rights to which children, identified in the Convention as persons under 18 years of age, are entitled, in order to make realizable the objectives of the International Bill of Human Rights.⁴ It is the most widely ratified human rights treaty, with 196 States parties. The Convention covers all rights, and those rights are interpreted through its central provisions of non-discrimination, the best interests of the child, the right to life, survival and development, and the right to be heard. The Convention is supplemented by the Optional Protocols on the involvement of children in armed conflict, on the sale of children, child prostitution and child pornography and on a communications procedure. The international legal framework specific to children's rights is complemented by standards in relevant International Labour Organization (ILO) conventions⁵ and the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

6. As stipulated in article 45 of the Convention on the Rights of the Child, the Committee on the Rights of the Child can engage United Nations entities in two ways. It can invite them to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates, and it can transmit any reports from States parties that contain a request or indicate a need for technical advice or assistance in implementing the provisions of the Convention.

B. United Nations architecture on children

7. The Committee on the Rights of the Child was established in 1991 to guide States parties in the implementation of their Convention obligations. As highlighted in paragraph 64 of the Committee's general comment No. 5 (2003) on general measures of implementation of the Convention, all United Nations and United Nations-related agencies should be guided by the Convention and should mainstream children's rights throughout their activities. This also extends to the World Bank Group, the International Monetary Fund and the World Trade Organization.

8. While all United Nations system entities should advance children's rights, UNICEF is designated as the lead United Nations entity in this respect. UNICEF is mandated by the General Assembly to advocate for the protection of children's rights, to help meet children's basic needs and to expand their opportunities to reach their full potential.⁶ The agency operates in over 190 countries and territories and is guided by the Convention on the Rights of the Child.

9. Several other mechanisms have been set up that are dedicated to the promotion of children's rights. In 1990, the Commission on Human Rights created the mandate of Special Rapporteur on the sale, sexual exploitation and sexual abuse of children. The General Assembly created the mandate of Special Representative of the Secretary-General for

⁴ The International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and its two optional protocols and the International Covenant on Economic, Social and Cultural Rights.

⁵ ILO, Minimum Age Convention, 1973 (No. 138); ILO, Worst Forms of Child Labour Convention, 1999 (No. 182); and ILO, Violence and Harassment Convention, 2019 (No. 190).

⁶ See <https://www.unicef.org/about-us/mission-statement>.

Children and Armed Conflict in 1996 and the mandate of Special Representative of the Secretary-General on Violence against Children in 2008. By its resolution 1612 (2005), the Security Council established a monitoring and reporting mechanism on children and armed conflict.

10. The responsibilities of the High Commissioner to promote and protect the effective enjoyment by all of all human rights are detailed in General Assembly resolution 48/141. OHCHR plays a multifaceted role with regard to the mainstreaming of children's rights in the United Nations. It engages on children's rights through its field presences and at headquarters, working with Member States, national human rights institutions, civil society and other relevant stakeholders, as well as through its work in support of the Human Rights Council and its mechanisms and the treaty bodies.

III. Voices of children who seek greater engagement in the United Nations system as rights holders

11. In 2022, over 600 children from all regions were either consulted or responded to an online survey on their vision of how the United Nations system could empower children to claim and enjoy their human rights. Four main themes emerged centred on the common position of "nothing about us without us".⁷ Children want a United Nations system:

(a) That will give them streamlined, systemized and meaningful opportunities to safely participate in decision-making. This means being seen, being heard and systematically having their views considered in all legislative, policy, regulatory and programmatic action. It requires both innovation in terms of outreach by the United Nations system, including by ensuring that communications materials and forums are child-friendly, and investment in the building of children's capacity to advocate for their rights;

(b) That will champion and amplify their status as holders of a distinct set of rights. This will require innovative and far-reaching awareness-raising strategies to promote the human rights of children that target the public and professionals who meet children or whose work affects children, parents and children of all ages. Children want the United Nations system to demonstrate that their rights are a priority;

(c) That ensures the justiciability of their rights. This means providing accessible avenues for children to claim their rights without fear of reprisal;

(d) That is inclusive and reinforces an intersectional approach. This means leaving no child behind and recognizing children as a non-homogenous and diverse group.

12. Many of these messages were echoed and further developed in a survey that OHCHR carried out in connection with the Human Rights 75 initiative. The survey allowed almost 4,000 children, between 5 and 17 years of age, from more than 53 countries, to share their opinions on their vision for human rights.⁸ Children reported on the wide range of human rights violations affecting their lives and how the challenges they experience are compounded by, inter alia, discrimination and inequality, poverty, conflict and climate change. Children raised concerns about the general lack of human rights awareness in their communities and the non-recognition of children as rights holders and civic actors. They called upon OHCHR: (a) to increase collaboration with children at the international, national and local levels with online and in-person opportunities; (b) to expand the outreach of the United Nations, including OHCHR, to include more children and ensure equitable participation for all children; (c) to provide child and human rights information and training, and financial and technical support; and (d) to strengthen local human rights knowledge and awareness.

13. The children's demands for safe spaces to express their views on matters affecting them and to have these views considered are firmly grounded in international human rights law. The obligations of States parties to ensure the meaningful participation of children in

⁷ Results of the children's regional consultations and survey for the development of the Guidance Note of the Secretary-General on Child Rights Mainstreaming.

⁸ Human Rights 75, Child Rights Connect and OHCHR, "Children's vision for human rights".

decision-making processes are articulated in provisions of the Convention on the Rights of the Child, which guarantee children's rights to express their views freely in matters affecting them, in accordance with their evolving capacities, and have these views considered (art. 12); freedom of expression, including freedom to seek, receive and impart information and ideas (art. 13); freedom of association and of peaceful assembly (art. 15); and access to information from a diversity of sources, especially those aimed at advancing children's well-being (art. 17).⁹ The Committee on the Rights of the Child has acknowledged that the realization of these rights requires proactive measures, including the allocation of a budget for and the provision of contextually appropriate materials, mechanisms and institutions.¹⁰

14. Demands by children for global action to address the existential threats posed by the triple planetary crisis of climate change, pollution and biodiversity loss constituted a watershed moment in the perception of children as human rights defenders rather than dependants. The actions taken by children to express their views on the impact of the triple planetary crisis on their rights increased the momentum of the environmental justice movement that motivated the landmark recognition by the General Assembly, in its resolution 76/300, of the right to a clean, healthy and sustainable environment as a human right. As one child articulated: "without a healthy planet to live on, what future do we have with any of these rights?"¹¹

IV. Building on the political momentum to mainstream children's rights

15. Children's rights are increasingly being mainstreamed into international commitments. The fact that the 2030 Agenda for Sustainable Development is deeply rooted in human rights is instrumental in demonstrating how a strengthened children's rights-based approach is critical for the realization of all 17 Sustainable Development Goals.¹² The pledge in the 2030 Agenda to leave no one behind has created a space for those who have historically been excluded from decision-making. One such group is children, who are now recognized as rights holders and are demanding recognition as civic actors empowered to defend their human rights. Member States, in the 2023 political declaration of the high-level political forum on sustainable development, acknowledged children as "critical agents of change and torchbearers of the 2030 Agenda for current and future generations".¹³

16. Children are also being recognized as civic actors in a renewed and invigorated multilateral system. In his report entitled "Our Common Agenda", the Secretary-General proposed the creation of specific forums and instruments to protect the interests of future generations.¹⁴ In a subsequent policy brief, he proposed the establishment of a standing intergovernmental forum for future generations under the auspices of the General Assembly. The functions of the forum would include ensuring the meaningful participation of all relevant stakeholders, in particular children and young people as current and future decision makers with the greatest affinity for future generations.¹⁵

17. The Summit of the Future presents an opportunity to agree on multilateral solutions, the hallmark of which will be strengthened global governance for present and future generations that will both meet the demands of the present in a way that safeguards the interests of future generations and preserves their ability to effectively enjoy all human

⁹ See also the Convention on the Rights of Persons with Disabilities (art. 7) and the International Convention for the Protection of All Persons from Enforced Disappearance (art. 25).

¹⁰ Committee on the Rights of the Child, general comments No. 12 (2009) on the right of the child to be heard and No. 19 (2016) on public budgeting for the realization of children's rights, para. 54.

¹¹ Results of the children's regional consultations and survey for the development of the Guidance Note (2022).

¹² A/HRC/34/27, paras. 11 and 65.

¹³ General Assembly resolution 78/1, para. 21.

¹⁴ A/75/982, para. 54.

¹⁵ "To think and act for future generations", Our Common Agenda policy brief No. 1 (March 2023), p. 17.

rights.¹⁶ The Secretary-General has identified the empowerment of children and young people as a critical element of the modernization process of the United Nations system and conveyed the commitment of the United Nations to developing solutions with these stakeholders, amplifying their voices and nurturing their leadership potential.¹⁷ That commitment is linked with the strengthening of inclusive practices within United Nations entities, including the enhancement of accessibility, representation, participation and equality for those left behind and those who experience discrimination.¹⁸

18. The working methods of the United Nations system are evolving to take into consideration the development of international standards on accessibility. Innovation in the design of physical and virtual spaces and communications materials is ongoing. This has facilitated inclusive consultation and participatory decision-making and sets a solid foundation for the safe and meaningful participation of children. The United Nations 2.0 process of renewal and reinvigoration is an opportune moment for stocktaking and for innovation across the United Nations system. The process can be used as an entry point for a renewed focus on the mainstreaming of children's rights across the Organization. The integration of a children's rights perspective into all United Nations action and platforms for multilateral decision-making is necessary to ensure that the lived experiences of a third of the globe's population is systematically considered across all three United Nations pillars.¹⁹

V. Guidance Note of the Secretary-General on Child Rights Mainstreaming

19. The Guidance Note of the Secretary-General on Child Rights Mainstreaming was published in July 2023 under the framework of the Secretary-General's call to action for human rights.²⁰ In the Guidance Note, the Secretary-General defines the mainstreaming of children's rights as a strategy for making children's rights, including their meaningful participation, an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes of the United Nations system, and for assessing the implications for children of any action taken by the United Nations. The Secretary-General also emphasizes the urgency of addressing political currents that are detrimental to children's rights in several regions of the world and threaten the integrity of international standards relevant to children, particularly in the context of the multiplicity of ongoing and deteriorating global crises disproportionately affecting them.

20. The Guidance Note is intended to harness the momentum generated by the confluence of several factors, including children's demands for greater engagement in decision-making in United Nations processes and forums, the progressive recognition of children as civic actors through international political commitments and a receptiveness to innovative design in stakeholder collaboration as integral to a refreshed multilateral system, including the United Nations 2.0 process. The Secretary-General's vision of a shared United Nations children's rights agenda offers a framework for action that is fit for purpose for today's children and for future generations.

A. Guiding principles

21. According to the Guidance Note, eight principles guide the framework for United Nations action on collectively advancing children's enjoyment and exercise of all their rights. These are:

¹⁶ "UN 2.0: forward-thinking culture and cutting-edge skills for better United Nations system impact", Our Common Agenda policy brief No. 11 (September 2023), p. 4.

¹⁷ *Ibid.*, p. 13.

¹⁸ *Ibid.*

¹⁹ In 2023, children (0–18 years of age) made up approximately one-third of the entire global population. See UNICEF, "The state of the world's children 2023: statistical tables", table 1, available at <https://data.unicef.org/resources/dataset/the-state-of-the-worlds-children-2023-statistical-tables/>.

²⁰ "The highest aspiration: a call to action for human rights" (2020).

- (a) Children are full-fledged rights holders, independently from their parents or guardians;
- (b) As children's rights are human rights, they are relevant to the work of all entities of the United Nations system and should constitute an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes across all three pillars of the Charter of the United Nations;
- (c) Children constitute a group of distinct rights holders under international law. Each time that it is relevant, children should be explicitly mentioned and their specific rights expressly reflected in all relevant United Nations strategies, plans, documents and communications, and not be subsumed in other, different groups such as "youth" or "young people";
- (d) Children's rights are indivisible, interdependent and interconnected. Equal attention should be given to all categories of rights and to all rights. Children have the right to be human rights defenders and to be protected when exercising this right;
- (e) All United Nations action should give primary consideration to the best interests of the child in all decisions and actions likely to affect children. This requires a continuous process of children's rights impact assessment and children's rights impact evaluation;
- (f) All United Nations action should promote equality and non-discrimination. Children do not constitute a homogenous group but must be considered in their full diversity;
- (g) Meaningful child participation should be an integral and systematic consideration in United Nations policies and programmes. Adequate opportunities for children to be heard in United Nations processes and forums should be established;
- (h) The United Nations should promote accountability and remedies for violations of children's rights. This includes ensuring that children's rights are fully integrated in the work of the human rights and accountability mechanisms and that children are protected from reprisal.

B. Framework for United Nations action

22. In the Guidance Note, the Secretary-General mandates the mobilization of the United Nations system to collectively strengthen and elevate a shared United Nations children's rights agenda. He sets out a framework for United Nations Action that is two-pronged, integrating a children's rights-based approach in the United Nations system and its entities in external policies and strategic plans, advocacy and communication, and country programmes, addressing also United Nations human rights and accountability mechanisms; and in internal operational policies and practices, addressing also the participation and safeguarding of children and children's rights impact assessments and evaluations.

23. The Guidance Note has reinvigorated the long-standing support that OHCHR has provided to efforts to mainstream children's rights in the United Nations system. The above-mentioned framework highlights the role of OHCHR, tasking it, as the entity mandated to coordinate human rights promotion and protection activities throughout the United Nations system, with integrating the guidance into its wider human rights mainstreaming efforts and ensuring linkages to the various human rights mechanisms, in a systematic and consistent manner. The Secretary-General recognizes that this will require the capacity of OHCHR to be strengthened, particularly on children's rights.

24. Implications for the United Nations human rights and accountability mechanisms, and specifically the Human Rights Council, its commissions of inquiry, fact-finding missions and special procedures and the universal periodic review, as well as treaty bodies, are also stipulated in the framework. These mechanisms are requested to systematically consider children in their work and the impact of their work on children, integrate the meaningful participation of diverse groups of children in their processes and reports, provide

child-friendly and accessible information, and apply child safeguarding policies and procedures.

25. In the Guidance Note, the Secretary-General designates OHCHR as responsible, jointly with UNICEF, for coordinating the implementation of the mainstreaming of children's rights in the United Nations system, with the support of the Office of the Special Representative of the Secretary-General on Violence against Children and the Office of the Special Representative of the Secretary-General on Children and Armed Conflict. In November 2023, a United Nations task team comprising relevant United Nations entities was established under the call to action for human rights. Its proposed action plan for the implementation of the mainstreaming of children's rights in accordance with the Guidance Note will be linked to tools and initiatives developed under the call to action and its workstreams.

VI. Strengthening a children's rights-based approach in the United Nations system through the work of the Office of the United Nations High Commissioner for Human Rights

A. Mandate of the Office of the High Commissioner for Human Rights to mainstream children's rights in the United Nations

26. In 1993, the General Assembly, in its resolution 48/141, mandated the United Nations High Commissioner for Human Rights, *inter alia*, to promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights; coordinate the human rights promotion and protection activities throughout the United Nations system; and rationalize, adapt, strengthen and streamline the United Nations machinery in the field of human rights, with a view to improving its efficiency and effectiveness.

27. Since its establishment, the OHCHR footprint on the ground has expanded to 94 field presences, including human rights advisers in the resident coordinator offices. OHCHR field presences play a vital role in monitoring and reporting on children's enjoyment of their human rights, raising awareness about violations and abuses of children's rights and advocating for respect for children's rights. In those United Nations peace missions with human rights mandates, OHCHR field presences are integrated within the missions and play a role in mainstreaming children's rights, in particular protection mandates.

28. As the lead United Nations entity mandated to promote and protect human rights for all, OHCHR is tasked with mainstreaming human rights within the United Nations. OHCHR plays a key role in supporting resident coordinators and United Nations country teams in their responsibility for ensuring that the implementation of the 2030 Agenda advances human rights, including children's rights, and for ensuring a human rights-based approach in the development of common country analyses and United Nations Sustainable Development Cooperation Frameworks. This role was further reinforced in the call to action for human rights, and OHCHR actively engages with United Nations country teams under the thematic areas of the call to action, including protecting children's rights in times of crisis, promoting gender equality, achieving sustainable development, providing a robust civic space and creating a healthy environment and a safe digital world.

29. OHCHR field presences also serve as the interlocutors between Member States, national human rights institutions, civil society and the international human rights mechanisms, building capacity for inclusive engagement and promoting the expansion of civic space, including with children who are human rights defenders, coordinating country visits of United Nations experts and following up on recommendations of the human rights mechanisms. The OHCHR Regional Office for West Africa project to protect children who are victims of rights violations²¹ typifies a joint stakeholder programme to advocate and programmatically advance children's rights. OHCHR also supports the United Nations in integrating a children's rights-based approach into its protection interventions in situations

²¹ See https://www.westafrica.ohchr.org/spip.php?page=article&id_article=418 (in French).

of conflict, monitoring and reporting on violations and abuses against children, supporting access to justice for children who are victims and supporting the participation of children in peacebuilding processes.

30. The post of OHCHR Child Rights Adviser was created in 2012 to strengthen the capacity of the Office on children's rights. Key components of this role include ensuring that a children's rights approach is integrated in the work of the Office, preparing thematic reports and organizing expert panels for the Human Rights Council, serving as the OHCHR interface with children's rights experts and advocates, and partnering with civil society children's rights networks to directly engage children in all their diversity.

31. OHCHR serves as the secretariat of the Committee on the Rights of the Child. It has assigned focal points to manage the participation and safeguarding of children in the Committee's work. Under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, OHCHR staff handle complaints from children or their advocates. The OHCHR treaty body capacity-building programme provides technical assistance to States parties and other stakeholders in strengthening their engagement with the Committee and fulfilling their obligations under the Convention. OHCHR also provides support to the mandate of Special Rapporteur on the sale, sexual exploitation and sexual abuse of children.

B. Enhancing the mainstreaming of children's rights in the Office of the United Nations High Commissioner for Human Rights

32. OHCHR has initiated efforts to increase the resources dedicated to effectively delivering on its United Nations-wide coordination role on children's rights through, *inter alia*, broadened thematic expertise, centralized knowledge and information functions, and a dedicated capacity to support the accountability and investigative mechanisms. OHCHR will work to create new opportunities for direct engagement with children, build greater awareness of children's rights at the local and regional levels and contribute to ensuring the justiciability of children's rights.

1. Mainstreaming a children's rights-based approach across the Office of the United Nations High Commissioner for Human Rights

33. Over the years, OHCHR has advanced the consideration of children's rights across the spectrum of its thematic work, including by promoting the participation of children. For instance, OHCHR has integrated children's rights into its work on women's human rights and on the rights of persons with disabilities through joint thematic work on care and support systems. OHCHR has developed guidance for addressing human rights violations against intersex children, including harmful practices in medical settings.²² It has also developed practices to engage children in the work of the Human Rights Council, including through the development of child-friendly communications materials, and as experts on panel discussions. With additional resources, an even greater impact could be achieved through the further scaling-up of such efforts. A children's rights-based approach could be included more explicitly in OHCHR external advocacy, policies and programmes, as well as in its internal operational policies and practices, as called for under the framework for United Nations action contained in the Guidance Note of the Secretary-General on Child Rights Mainstreaming. Drawing on the experience of OHCHR with the rights of persons with disabilities and gender mainstreaming, a policy could be developed to ensure that a children's rights-based approach is integrated into the work of OHCHR in an explicit, systematic and sustained manner, and that progress is regularly monitored and evaluated.

²² See OHCHR, Technical note on the human rights of intersex people: human rights standards and good practices (November 2023), available at <https://www.ohchr.org/en/documents/tools-and-resources/ohchr-technical-note-human-rights-intersex-people-human-rights>.

2. Strengthening and deepening the analytical work of the Office of the United Nations High Commissioner for Human Rights on children's rights

34. Beyond the mandated thematic reports for the Human Rights Council, OHCHR is providing substantive support to key children's rights analytical products across the United Nations system. OHCHR has led joint United Nations initiatives to mainstream children's rights through technical guidance provided to States, such as through collaboration with the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the United Nations Free & Equal campaign on addressing bullying and violence against lesbian, gay, bisexual, transgender, intersex and queer children in schools.²³ Moving forward, and to contribute to the implementation of the Guidance Note, OHCHR intends to further strengthen its capacity to prepare practical guidance for the United Nations system on how to best support countries wishing to implement a children's rights-based approach in their policy and decision-making processes. An example of such practical material is the guidance that is currently being developed on interviewing child victims and witnesses in the framework of human rights investigations. Such efforts would require strengthening the thematic children's rights capacity of the Office, including through dedicated positions to coordinate OHCHR work on the mainstreaming of children's rights and the participation and safeguarding of children.

3. Stepping up the support of the Office of the United Nations High Commissioner for Human Rights to the mainstreaming of a children's rights-based approach in United Nations country programming

35. As outlined above, the role of OHCHR in United Nations country programming has increased over the years. The support provided by OHCHR field presences to the integration of a children's rights-based approach has led to improved monitoring of and reporting on children's rights. Further strengthening of this work would allow OHCHR to provide better tailored technical assistance to Member States on implementing their obligations under the Convention on the Rights of the Child and more accurate tracking of the progress made as well as the remaining obstacles to progress. The reinforcement of inter-agency norm-based collaboration with United Nations entities and the promotion of other actors in United Nations country programming work (for example, national human rights institutions, parliamentarians and civil society) would build capacity in identifying violations of children's rights and promote engagement with human rights mechanisms. Inspiration can be drawn in this respect from the OHCHR Gender Accreditation Programme and the deployment of gender advisers in regional offices.

4. Advocacy and communication

36. Content on children's rights could be designed in such a way as to reflect the important role given to children in the work of OHCHR, laying out the essential aspects of each thematic area on the OHCHR website and through other means of dissemination. Resources and additional support would be required to develop a child-specific communications strategy based on a child-friendly communications approach that would ensure proactive outreach to different groups of children through various means (written, audiovisual and multimedia).

5. Strengthening the participation of children

37. With enhanced children's rights thematic capacities, OHCHR could develop internal guidelines on the participation and safeguarding of children, and a network of child protection focal points could be put in place, with the support of a child advisory group to ensure integration of a children's perspective into the design, implementation and follow-up of all measures to increase their participation. Such measures will have an impact only if communicated to children in a child-friendly manner. A special effort will be required to reach specific groups of children who experience intersecting forms of discrimination, such as children belonging to minority groups and those with diverse sexual orientations, gender

²³ OHCHR and UNESCO, "LGBTIQ+ youth: bullying and violence at school" (2023). Available at <https://www.unfe.org/wp-content/uploads/2023/10/Bullying-factsheet-2023-EN.pdf>.

identities, gender expressions and sex characteristics, who may require greater levels of protection.

6. Strengthening coordination and cooperation of children's rights experts across the United Nations system

38. Additional capacity would also allow the formalization of a community of practice among children's rights experts, both within OHCHR and across the United Nations system, to, *inter alia*, exchange information on the development and updating of tools, such as child interview guides and impact assessments and evaluations. This would amplify efforts to mainstream children's rights across the United Nations system. The creation of an Office-wide one-stop repository for all tools, policies and practices related to the mainstreaming of children's rights, bolstered by the training of OHCHR staff, would enhance the sustainability of the approach.

7. Data collection and management

39. Further investment needs to be made in the OHCHR methodology for data-collection, management, analysis and dissemination, including a review of indicators, to allow a full understanding of intersecting grounds of discrimination against children. This would require the establishment of procedures that are easily understandable by children to respect and safeguard their rights in the context of data collection and management, including privacy, confidentiality, safety and security, and to obtain informed consent from children throughout and after the data-collection period.

VII. Strengthening a children's rights-based approach in the work of the United Nations human rights and investigative and accountability mechanisms

A. Human rights treaty bodies

1. Committee on the Rights of the Child

40. The Committee on the Rights of the Child, in its pioneering role to develop both substantive and procedural guidance for States parties to advance the rights of the child, has established child-friendly processes to encourage the participation of children in its regular sessions. This includes holding meetings with children as a standing agenda item of its pre-sessional working group meetings, establishing child participation safeguards and designating focal points for participation and safety in its secretariat. This work is facilitated by its strong relationships with children's rights civil society organizations.

41. Child-friendly and accessible communications materials, including child-friendly webpages and child-friendly versions of concept notes for its events and of its general comments, have been developed by the Committee. It has established standards and good practices for ensuring the participation of children over the years, including the nine requirements for the implementation of the right of the child to be heard²⁴ and its working methods on the participation of children,²⁵ which set out standards for ensuring the participation of children at the international level and serve as a guiding framework for other United Nations entities.

42. The Committee has historically retained strong cooperation with United Nations entities. United Nations entities coordinate the confidential joint entity submission to the Committee on priority children's rights issues in the States parties under review. In its concluding observations the Committee frequently recommends that States parties avail themselves of technical assistance and cooperation from the United Nations system.

²⁴ General comment No. 12 (2009), paras. 132–134.

²⁵ [CRC/C/155](#) and [CRC/C/66/2](#).

2. Whole-of-treaty-body engagement

43. A review of the concluding observations of the human rights treaty bodies indicates that attention is being paid to children's rights by all committees in their examinations of State party reports. The situation of girls' right to education and access to sexual and reproductive health services and information, issues raised systematically in constructive dialogues by the Committee on the Elimination of Discrimination against Women, exemplifies the intersectional approach applied by treaty bodies. Its review of a State party in 2023 back to back with the review of the Committee on the Rights of the Child is an example of ongoing efforts to streamline treaty body reviews.

44. The intersectional analysis of the situation of children within the respective mandates of other treaty bodies has resulted in the elaboration of statements, general comments and recommendations, views on communications and inquiry reports, including on cross-cutting themes such as children with disabilities, migrant children and harmful practices.²⁶ Joint statements with special procedures of the Human Rights Council are becoming more prevalent, for example on illegal intercountry adoption.²⁷

45. Several treaty bodies engage directly with children. The Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment systematically visits places where children are deprived of their liberty. The Committee on Enforced Disappearances holds meetings with the children of victims in furtherance of its work on the transgenerational impact of enforced disappearances. The Committee on Economic, Social and Cultural Rights has, in developing its forthcoming general comment on sustainable development, held consultations with children.

46. The application of an intersectional lens contributes to the consideration of violations of children's rights, where appropriate, in the recommendations made by all treaty bodies. However, the absence of established processes or policies to systemize the participation of children, ensure the safeguarding of children, and provide child-friendly and accessible information on the human rights treaties and their monitoring bodies persist as barriers to children's engagement with these mechanisms.

47. In order to harness the momentum generated by the treaty body strengthening process to increase substantive and procedural coordination among the committees, the treaty bodies are invited to consider strengthening their work with the Committee on the Rights of the Child and building on promising practices to ensure the systematic, safe and meaningful participation of diverse groups of children in their work. This would require innovations to both their substantive outputs and their processes and may include: reviewing the format of participation by children; allowing for safe and meaningful alternatives to in-person participation; expanding the reach of children beyond established partnerships to ensure inclusive participation; guiding all stakeholders to provide inputs that address the intersection between children's rights and the respective treaties; communicating opportunities to all stakeholders, and specifically children, for direct engagement with the treaty bodies in all aspects of their work; and increasing the accessibility of treaty body outputs in child-friendly formats and language, including child-friendly versions of complaint forms, decisions on individual communications and concluding observations.

48. Building the capacity of both experts and the OHCHR staff supporting the treaty bodies to ensure the systematic consideration of children's rights and meaningful participation by children is key to ensuring that substantive outputs reflect children's concerns. This can be encouraged by revisiting the standard questions in all lists of issues

²⁶ See, for example, the Committee on Persons with Disabilities, [inquiry reports](#) for Hungary, Spain and the United Kingdom of Great Britain and Northern Ireland pertaining specifically to children with disabilities, available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeCategoryID=7. See also joint general comment No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 23 of the Committee on the Rights of the Child (2017) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return.

²⁷ See https://www.ohchr.org/sites/default/files/documents/hrbodies/ced/2022-09-29/JointstatementICA_HR_28September2022.pdf.

and lists of issues prior to reporting to ensure that they address children's rights, and ensuring the inclusion of those issues in the concluding observations. Greater cross-referencing by all treaty bodies of jurisprudence of the Committee on the Rights of the Child when examining violations of children's rights, such as when incorporating an assessment of the best interests of the child and the right to be heard, is encouraged.

B. Human Rights Council

1. Programme of work

49. The members of the Human Rights Council are committed to advancing children's rights, as evidenced by the incorporation in the Council's programme of work since 2009 of an annual full-day meeting on the rights of the child; the expansion of modalities for the participation of children, including children as panellists and delegates; and the allocation of a budget to cover the cost of adults to accompany children. The Council has adopted numerous resolutions concerning children's rights, including resolutions in which it mandates OHCHR to produce comprehensive reports on issues relevant to those rights and requesting the production of child-friendly versions of reports. Webcasting of the Council's sessions has increased access by the public, including by children, to its work. Its secretariat, through its liaison with non-governmental organizations, has established several safeguarding measures for children, including a requirement for parental consent forms for children participating in Council sessions.

50. There is scope to build on these promising practices to ensure the meaningful and safe participation of diverse groups of children in the Council's work. This could be facilitated through, for example, expanded modalities for child participation as panellists, delegates and speakers in interactive dialogues. Clear guidelines are needed for all stakeholders to clarify expectations for the participation of children, including with regard to preparation of and follow-up to their interventions, with due respect for children's autonomy and meaningful consideration of their views.

51. To facilitate the Council's work, OHCHR intends to do the following subject to the availability of resources: designate child participation and child safeguarding focal points in the Council's secretariat; strengthen support to children's rights civil society organizations to encourage the participation of children; standardize the development of child-friendly and accessible communications materials for its programme of work, side events, reports and web pages; simplify registration and accreditation processes and lists of speakers; and develop a toolkit for mainstreaming children's rights in resolutions.

2. Universal periodic review

52. The consideration of children's rights in the universal periodic review process is encouraged in the guidelines on submission of the national report and stakeholder reports.²⁸ Several children's rights organizations have submitted reports created together with children. Children's rights are systematically addressed in the OHCHR compilation of United Nations information, the summary of information submitted by stakeholders and the matrix of recommendations.

53. There is a need to further strengthen the systematic and inclusive participation of children in the universal periodic review processes and reports through innovations designed to encourage the contribution of children to the reporting process and to dialogue. Increased capacity to engage with children in the universal periodic review may be facilitated through the development of mechanism-specific child participation and child safeguarding guidelines. OHCHR intends to facilitate the work of Member States by appointing focal points for the participation and safeguarding of children in the universal periodic review secretariat and reviewing reporting guidelines to promote inclusive national consultations with diverse groups of children.

²⁸ See <https://www.ohchr.org/en/hr-bodies/upr/guidance>.

3. Special procedures

54. The Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, has charted a path to inclusive participation of children in country visits, as well as to promoting an intersectional perspective through reports, joint statements and communications with other mandate holders.²⁹ Focused attention is given to children by the Working Group on discrimination against women and girls, the name of which was revised in 2019 to signal its explicit focus on the girl child.³⁰ Since 2022, it has instituted a practice of systematically consulting girls during its sessions and country visits.

55. As a result of the application of an intersectional lens by the special procedures, other promising practices have arisen, in addition to the inclusion of children's rights in thematic and country visit reports. The Special Rapporteur on the situation of human rights defenders consistently and actively seeks inputs from child and youth human rights defenders. The Special Rapporteur on the human rights to safe drinking water and sanitation released two educational stories for children.³¹ The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has issued position papers and reports on children's rights.³² The Special Rapporteur on the right to privacy has addressed children's privacy in the context of the mandate activities on artificial intelligence.³³

56. Systemizing the above-mentioned promising practices would require the special procedures system, under the leadership of the Coordination Committee of Special Procedures, to consider developing training materials, guidance and tools to systematically integrate a children's rights-based approach into the working methods of special procedures. This work could be supported through a discussion on the mainstreaming of children's rights in an annual meeting of special procedures to present developments in children's rights and allow exchanges on promising practices and lessons learned in strengthening children's engagement with the mechanisms. The application of a children's rights-based approach, including meaningful child participation, could be further encouraged through integration of a children's rights perspective into Human Rights Council resolutions renewing or establishing mandates.

4. Investigative and accountability mechanisms

57. The investigative and accountability mechanisms mandated by the Human Rights Council indicate promising practices in the consideration of children's rights. In its resolutions establishing these mechanisms, the Council is increasingly including specific language on violations of children's rights. Two recently created mechanisms, the independent international fact-finding missions on the Islamic Republic of Iran and the independent international fact-finding mission for the Sudan, have explicit mandates to investigate alleged violations of children's rights.³⁴ Currently, 7 of the 11 ongoing mechanisms have designated children's rights experts in their teams.

58. When children's rights experts are deployed to investigative and accountability mechanisms, children are given agency through the findings of their work and in their public reports and recommendations. For example, in its examination of the human rights situation in Belarus, OHCHR found children among the victims of arbitrary arrest and detention, ill-treatment and fair trial violations³⁵ and is conducting a focused investigation and analysis of the rights of children in this context. The Commission on Human Rights in South Sudan, in its report, highlighted the impact of the conflict on children and formulated recommendations to address violations of children's rights.³⁶ For the OHCHR Sri Lanka

²⁹ See, for example, [A/72/164](#).

³⁰ Human Rights Council resolution 41/6.

³¹ See <https://www.ohchr.org/en/special-procedures/sr-water-and-sanitation/stories-children>.

³² For example, [A/HRC/46/36](#); and "Extraterritorial jurisdiction of States over children and their guardians in camps, prisons or elsewhere in the northern Syrian Arab Republic" (2020).

³³ [A/HRC/46/37](#).

³⁴ Resolution S-35/1, para. 7 (a), and resolution 54/2, para. 18 (b).

³⁵ See [A/HRC/49/71](#) and [A/HRC/52/68](#).

³⁶ [A/HRC/52/26](#), paras. 38–41, 112 and 113.

accountability project, violation of children's rights, including the recruitment and use of children in hostilities, is one of the key priority areas for further investigation with a view to establishing accountability. The Independent International Commission of Inquiry on Ukraine identified violations of children's rights, specifically forced transfers and deportations of children.³⁷

59. Building on these positive trends, the Human Rights Council is invited to consider increasing the integration of a children's rights perspective into the work of the Council-mandated investigative and accountability mechanisms and ensuring an intersectional approach for all issues affecting children's rights in the development and renewal of the mechanisms, including a requirement for children's rights expertise.

60. OHCHR stresses that, in order to facilitate this process, the inclusion of dedicated funds within the regular budget will be needed for the provision of expertise in the investigation and documentation of human rights violations and crimes affecting children and to ensure the deployment of children's rights expertise at the outset of the operationalization of the mandates of investigative and accountability mechanisms. Creating a dedicated capacity within OHCHR to coordinate support to the mechanisms on mainstreaming children's rights could be a first step. This could be followed by the conduct of a stocktaking exercise of available resources, methodological materials and tools on the mainstreaming of children's rights in human rights and criminal investigations.

61. The strengthening of children's rights awareness and capacity within the secretariats of Human Rights Council-mandated investigative and accountability mechanisms requires the provision of targeted training to both members of the secretariats and experts and the development of tools to guide their work on establishing violations and abuses of children's rights. This may include the revision of templates for the collection and submission of information, the development of protocols on interviewing child victims and witnesses, the establishment of specific safeguards in interacting with children and the development of a child-friendly reporting format, which should be communicated to children via children's rights networks to encourage direct reporting.

VIII. Conclusions and recommendations

62. **The Guidance Note of the Secretary-General on Child Rights Mainstreaming sets out clear expectations of the entire United Nations system and United Nations entities, including OHCHR and the human rights and investigative and accountability mechanisms. In the guiding principles contained in the Guidance Note, the Secretary-General emphasizes the need for the integration of a children's rights perspective, including through the active and meaningful engagement of children, necessarily engaging those most at risk of being left behind, in all decision-making processes affecting the enjoyment of their human rights. The Secretary-General highlights the ethical, meaningful and safe participation of children in all relevant United Nations action and United Nations forums as necessary to achieve the mainstreaming of children's rights and the necessity of moving away from the outdated view of children as passive recipients of adult advocacy.**

63. **The review of the work of OHCHR and the human rights mechanisms in the present report has revealed promising practices in line with the Secretary-General's vision of a shared United Nations children's rights agenda. With political and financial support by Member States, those promising practices could be scaled up to create greater coherence in the children's rights-based approach of OHCHR and the mechanisms, with attendant positive effects for the entire United Nations system. A strengthened children's rights architecture would be better able to support Member States in meeting their obligations under the Convention on the Rights of the Child and their children's rights commitments under the 2030 Agenda.**

64. **The present report focuses on the efforts by OHCHR to strengthen children's rights in its own work and in the support it provides to human rights and investigative**

³⁷ A/HRC/52/62, paras. 95–102.

and accountability mechanisms. Looking ahead, there would be much added value in carrying out similar analyses for the rest of the United Nations system, notably in the areas of sustainable development and peacekeeping. Given the potentially significant role of international finance and development finance institutions, including the World Bank Group and the International Monetary Fund, in advancing children's rights, there would also be merit in monitoring examples of promising practices in their policies and operations. The same applies to efforts to align business conduct with human rights standards and to take children's rights into consideration in international action against environmental degradation, including in the context of the Conferences of the Parties to the United Nations Framework Convention on Climate Change.

65. Member States may wish to consider:

(a) Systematically adopting a child-rights based approach at the national level to realize, promote and respect the full spectrum of children's rights obligations under international human rights law;

(b) Taking steps to establish structured and child-friendly modalities for the participation of children, with due respect for their safety, to promote the right of children to be heard in local, national, regional and international forums;

(c) Recalling the OHCHR leadership role in mainstreaming children's rights across the United Nations system and reaffirming their commitment to stepping up their financial support to increase the thematic capacity of OHCHR:

(i) To deliver advisory and capacity-building activities to Member States and other relevant stakeholders, upon request, on the full spectrum of children's rights in line with international human rights law;

(ii) To coordinate the implementation of and regularly monitor the progress made in implementing the Guidance Note of the Secretary-General on Child Rights Mainstreaming, in cooperation with UNICEF.

66. The United Nations High Commissioner for Human Rights invites all United Nations human rights mechanisms to continue to strengthen the integration of a children's rights-based approach within the scope of their mandates.

67. The United Nations High Commissioner for Human Rights invites the Human Rights Council to consider:

(a) Strengthening the attention given to the full range of children's rights in its mechanisms, including the universal periodic review, special procedures and investigative bodies, as well as enhancing the children's rights expertise in their respective secretariats;

(b) Calling upon its mechanisms, as relevant, to analyse more consistently the root causes of violations and abuses of children's rights, considering children in all their diversity, and translate that analysis into specific, action-oriented recommendations to all relevant stakeholders to promote the empowerment of children;

(c) Integrating into its working methods structured and child-friendly modalities for the participation of children, with due regard to the safeguarding of children, and informing children about those opportunities.
