

RIGHT TO COMPLAIN TO THE UN

There are three optional protocols to the Convention on the Rights of the Child. The first one concerns children in armed conflicts. The second one addresses the issue of child trafficking, child prostitution, and child pornography. The third protocol offers children the right to complain to the UN Committee on the Rights of the Child if their rights under the convention have been violated. The protocol was drafted in 2011 and came into force in 2014. So far, 50 states have ratified the protocol. Just like the Convention on the Rights of the Child, the protocol is legally binding for the states that have ratified it.

A child may only complain to the Committee on the Rights of the Child if they are in a country that has ratified the optional protocol. This means that, as of 2023, children in 50 countries solely have the opportunity to complain to the committee. The state that the child is in when they complain must also be the state that committed the violation. For example, a child whose rights have been violated in Syria would only be able to make a complaint in Syria, not in any other country.

Ratifying the third optional protocol signals that a country recognizes children as rights holders. It also strengthens a state's own national complaint mechanisms and prompts a review of how their legal system can be strengthened to protect children's rights.

Even if the right to complain exists in a country, it can be difficult for children

on the move to use it. In a country affected by war, institutions often do not function properly. If the child is on the move in another country, a foreign language or lack of adult support can prevent the child from exercising their right.

A further problem is that children who may need the complaint mechanism the most (because children on the move often lack access to many of their rights) have the hardest time accessing it. A supplement to this process could be for the UN to establish a special rapporteur for children on the move. The UN already has several special rapporteurs to examine specific countries or issues. For example, the UN's special rapporteur on torture has a mandate to investigate cases of torture around the world and take action if such cases are discovered. A special rapporteur for children on the move could provide the global community with important information on the situation of children on the move.

QUESTIONS TO CONSIDER DURING RESOLUTION NEGOTIATIONS:

- What can be done to improve the opportunities for children on the move to complain if their rights under the Convention are violated?
- Should the UN establish a special rapporteur to investigate how the rights of children on the move are upheld around the world?

