



## **LUIS PEDERNEIRA**

**Chairperson of the United Nations Committee on the Rights of the Child**

Good morning, it is a pleasure to be in Cartagena this morning, and I thank the government of Colombia for the opportunity of attending this meeting, and the IIN for making this possible. I think this is an indicator of a discussion that protection systems must have, it is imperative, we cannot go around saying things that are contradictory; and we have, fortunately, come closer to the IIN in recent times; there is an opportunity to think together and to develop some actions, my presence here is part of that, because I come on behalf of the protection system of the universal system .

As this is supposed to be a dialogue, I will raise some questions regarding our work and the agenda that seem relevant to me, and later I hope to receive some feedback.

I should like to start with an idea that I heard from the director of the ICBF: “We must stop praising each other and make our actions transformative”. I think that was very candid of her, we need to meet so that our actions, our thoughts, begin to transform the real situation of children and adolescents on our continent.

Now I shall move directly to the issues related to the work of the Committee and the region. We are the United Nations body with the highest level of treaty ratifications; to date, 196 States have ratified it, and as this is a meeting convened by the Inter-American Children’s Institute, and as I know there are representatives of the United States here, I should like to mention an appeal we have made to the United States to take the next step and ratify the treaty, so that the Convention can become the first universal instrument for protecting human rights, in this case, the human rights of children.

I think the Convention, and some authors have noted this, was a milestone in the history of the United Nations and an indicator of a universal moral conscience that reacted against the injustice that children were experiencing in the world, but that reaction of the universal moral community should not be a mere statement of causes, it should become reality in the concrete lives of the children of our continent.

The Convention has three optional protocols, which do not carry the same rate of ratification as the Convention; to date, in 2018, the Optional Protocol on the Involvement of Children in Armed Conflict only received 2 accessions, the Protocol on the Sale of Children, Child Prostitution and Child Pornography only one in 2018, numbers do not reach 160 in global terms. The most complicated situation, but also the newest, involves the Protocol on a communications procedure (OPIC), which to date has 45 ratifications, and the good news is that our region is at the forefront regarding these ratifications, together with Europe. To date, 12 States in the region have given their support to the third Protocol to the Convention on the Rights of the Child.

Another situation is related to reports submitted to the Committee. Reports on the Convention are doing quite well, but there are problems and significant delays in the reports on the optional protocols, in particular, the Caribbean has a considerable delay in years of not reporting in relation to the Optional Protocols.

I therefore call upon the States of the Caribbean to submit their reports and, if necessary, to recall that the Office of the High Commissioner provides assistance to States that do not have the capacity to prepare their reports. They can apply to the Office of the High Commissioner and request assistance. The experience of African countries has been very successful after they availed themselves of the assistance of the Office of the High Commissioner; over the past year they submitted reports that had also been considerably delayed.

In relation to the Third Protocol, the star protocol, a couple of weeks ago we all saw that 16 children in New York submitted to the General Assembly a request to our Committee involving the violation of the right of children to a healthy environment. Greta Thunberg has been one of the main spokespersons for this request and has therefore become a key instrument.

I have just taken part in a UNICEF meeting in Germany and the demands of UNICEF's offices were primarily aimed at concerns and questions about the Third Protocol.

Since the Third Protocol entered into force, the Committee has received 300 petitions; of these, we have recorded 99 and have resolved 30, 69 requests remain and we intend to address them at this time to avoid incurring delays. We have increased the number of considerations per session; we were dealing with seven cases per session and we are raising the number to twelve as from January 2020. Thus, we intend to address an imminent backlog which is worrying and has many motivating factors. The main factor is the economic crisis that we suffer at the United Nations, and which has directly affected the operations of treaty bodies.

Our third session was at risk of being cancelled, but fortunately, it did take place. It almost did not occur owing to a lack of money at the United Nations. I call upon the States to keep up their contributions, as this allows the work of the treaty bodies to be carried out.

I also want to mention the simplified procedure. As part of the 2020 review process, the treaty bodies are revising their operations and one of those that has been revised is how dialogue occurs with the States. The Committee on the Rights of the Child has issued an open invitation to States that have incurred significant delays in reporting, to submit to the simplified procedure.

At the January meeting, the Committee will, for the first time, finalize a simplified procedure with a State and we shall then obtain elements for a procedure assessment. The State in question is Hungary, where the simplified procedure cycle has closed, but I remind you that we have issued this open invitation to all. Many of the States here should be able to undergo the simplified procedure. This procedure implies a change because it does not begin with an official report from the State, but with a list of questions sent by the Committee and the State produces its report on the basis of that list.

Evaluations carried out by other treaty bodies and the feedback we have received from the States, show that this system is quite good and makes a more in-depth dialogue possible. My impression after completing the Hungary pre-session, is that much broader and deeper discussions can be held.

We have adopted General Comment 24, which is a revision of General Comment 10 on the rights of the child in juvenile justice. This document is not available in Spanish but the review has corrected and has raised some standards, one of which is the minimum age of criminal responsibility.

As you know, General Comment 10 says that States should not set the age at which criminal responsibility begins at less than 12 years; in its General Comment 24, the Committee raised the age to 14 and reaffirms that States that have fixed their ages at 15 and 16 should maintain these and not lower them.

I invite you to read General Comment 24, adopted at this year's session in May. We also adopted, for the first time, as it was not our Committee's usual practice, some guidelines for

submitting reports under the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. These guidelines seek to assist States in preparing their reports, since the quality of reporting under this protocol is quite weak.

Finally, I wish to say that the Committee has already set to work on the next General Comment, which is about “the rights of the child in digital environments”. This proposal was supported by the Inter-American Children’s Institute, so the region plays some part in this new draft General Comment. The Committee already has a work team that is in the process of assembling consultations, and I invite the States present to take part in these consultations that will be taking place during the preparation of this General Comment.

Moreover, I can now tell you that the Day of General Discussion to be held in September 2020 will be on “the rights of the child and protection of children’s right to family life”, and you are welcome to make contributions.

This year is particularly significant; the Convention celebrates its 30 years of existence and we must congratulate ourselves on this, because the Convention exists thanks to the States that at some point determined that children must have a human rights treaty specifically for them.

Lastly, the States have been invited to renew their promises on the occasion of this 30th anniversary; simply and measurably, but so far in our region, only 3 States have sent in their promises: Ecuador, Chile and Canada. We ask that the region should submit their promises, so we can give a signal that this region is committed to the rights of children and adolescents and to the Convention.

I wish to conclude with a comment on the text *La condición jurídica de la infancia, del revés al derecho. Bases para una reforma legislativa* [“The legal status of children, from back to right. Basis for legislative reform”]. This was a document prepared by UNICEF, and some researchers from our countries. There is some very interesting work produced by Susana Iglesias, Elena Bisagra and Luis Barrios, Uruguayans, who analysed the Pan American Child Congresses in a paper entitled: *A journey through the mirror of the Pan American Child Congresses*. What these authors did was study the documents that you have adopted and then carry out an exercise comparing the child that existed and the child that you wanted. The exercise covered the Congresses up to the eighties.

I think a second stage engaging in research into what happened from the eighties to the present in the Pan American Congresses would be very valuable, but I just want to say that when looking at the First Pan American Congress, at the jargon used, the real child and the ideal child, the model was one of control over childhood, it was model with a eugenic perspective, the model of the thirties. This was the model that was implemented and that we know as the tutelage model, children were considered abnormal because they did not speak the language that we spoke, were not part of our cultural norms, and needed to be disciplined according to a eugenic method involving control.

I am glad that at this Congress, the States are attempting to focus on the human rights of the child and that is how it should be, we do not need policies that control children, we need policies to promote their rights and protect their rights, that is what the children in our region need.

I should like to conclude with a tale, because I have not been able to find out if it is true, but I think it makes a nice story, which says that when Picasso was finishing painting the *Guernica* in his studio, two soldiers of Franco’s fascist intelligence service burst violently into his workshop. When they saw Picasso’s half-finished *Guernica*, they gazed at it in fascination, and all that they were able to do was to ask Picasso, “Did you do that?” And Picasso said, “No, that’s what you did.”

That should not be an exchange that is repeated between us and the children and adolescents in our region.

Thank you.