

## RECENT DEVELOPMENTS IN THE INDIVIDUAL COMMUNICATIONS RECEIVED UNDER THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON A COMMUNICATIONS PROCEDURE ('OPIC-CRC')

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### A. Overview of the ratification status and the cases received under the OPIC-CRC

Since its entry into force on 14 April 2014, the OPIC-CRC has received 46 ratifications/ accessions and 52 signatures. Despite being the eighth individual complaints mechanism to enter into force, it is currently the third in terms of the number of cases adopted per year (after CCPR and CAT), the fifth both in terms of the number of communications registered (after CCPR, CAT, CEDAW and CESCR), and the number of States parties (after CCPR, CEDAW, CAT and CRPD). To date, the Committee has received over 300 individual communications under the OPIC-CRC and has registered 116 of those cases. The Committee has adopted decisions on 39 registered cases. Of these, the Committee found violations of the Convention in 12 cases, declared 17 cases inadmissible, and discontinued 10 cases. There are currently 77 cases pending consideration.

Those individual communications that were received but clearly did not meet the basic prima facie admissibility requirements were not registered. This included mainly communications against non-State parties to the OPIC-CRC, where the alleged violations occurred prior to the entry into force of the OPIC-CRC for the State concerned, where domestic remedies were clearly not exhausted or those that were manifestly unfounded.

The issues raised in the registered cases involved migration-related issues (including non-refoulement, age determination, administrative detention of migrant children, separation of children from parents, family reunification, and access to asylum proceedings), child abduction, custody and visiting rights, surrogacy, juvenile justice, corporal punishment, male circumcision, right to education, and climate change.

The countries concerned by registered communications have been mainly European countries: Spain, Denmark, Switzerland, Finland, Belgium, Germany, France, Ireland, Slovakia and Georgia. Non-European countries included Argentina, Brazil, Chile, Costa Rica, Panama, Paraguay and Turkey.

### B. Jurisprudential trends

The Committee's Views (or decisions on the merits) have mainly concerned migration cases, including cases related to non-refoulement, age determination of unaccompanied migrant children and family reunification matters.

For ease of reference, a [Table of Views adopted by the Committee on the Rights of the Child and Follow-up status](#) is available on the CRC website, containing summaries of the Committee's merits decisions.

Also, a [full list of all decisions adopted by the Committee](#) (including inadmissibility and discontinuance decisions) is available on the Committee's website.

## C. Procedural developments

### a. Updated working methods under the OPIC

The Committee adopted its [Working methods to deal with communications received under the OPIC-CRC](#) in October 2015, and reviewed them in June 2017. The third revision is expected to be adopted in October 2020.

### b. Table of pending cases

The Committee decided to publish a [Table of all cases that are pending to be examined](#). This table is regularly updated on the Committee's website.

### c. Guidelines for Interim Measures

At its 80<sup>th</sup> session, the Committee adopted its [Guidelines for Interim Measures under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure](#).

### d. Reasoned discontinuance decisions

Since its 81<sup>st</sup> session, the Committee decided to motivate its discontinuance decisions. During this session, the Committee adopted its two first motivated discontinuance decisions for cases Nos. 47 and 61.

### e. First follow-up report on individual communications

At its 82<sup>nd</sup> session, the Committee adopted its first Report on Follow-up to Views. So far, the report contains follow-up information on three cases: Nos. 3 (against Denmark), 11 (against Spain) and 12 (against Belgium). A second Report is expected to be adopted in October 2020.

### f. Recent events

On 30 April 2019, CRC co-organized a Roundtable discussion to share experiences regarding the ratification and implementation of the OPIC-CRC and, on 6 June 2019, it co-organized an Informal meeting with Members States to promote a better understanding of the OPIC.