

## Mid-year OPIC trends 2022

*Please note that Child Rights Connect has based this analysis on the information publicly accessible on the UN Committee of the Rights of the Child's website until 30 June 2022*

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## Highlights of the first half of 2022

- 48 States parties to the OPIC ([the number remains unchanged](#))
- Annual informal exchange between the Committee and States on the OPIC
- Working methods on inquiries adopted

**18 individual communications adopted:** 11 in [Session 89](#) and 7 in [Session 90](#)

- ✓ 7 concerning Spain
- ✓ 2 concerning France<sup>1</sup>
- ✓ 3 concerning Belgium
- ✓ 2 concerning Denmark
- ✓ 1 concerning Switzerland
- ✓ 1 concerning Slovakia
- ✓ 1 concerning Georgia
- ✓ 1 concerning Chile

### OPIC ratification status and key developments first half of 2022

#### a. The number of OPIC ratifications remains unchanged

There are 48 States parties to the OPIC. The last two States to have ratified the OPIC were Armenia and Seychelles in 2021.

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<sup>1</sup> Note that, in the decision [CRC/C/89/D/77-79-109-2019](#), the Committee decides on 3 individual communications.

## b. OPIC ratification in comparison to other communications procedures

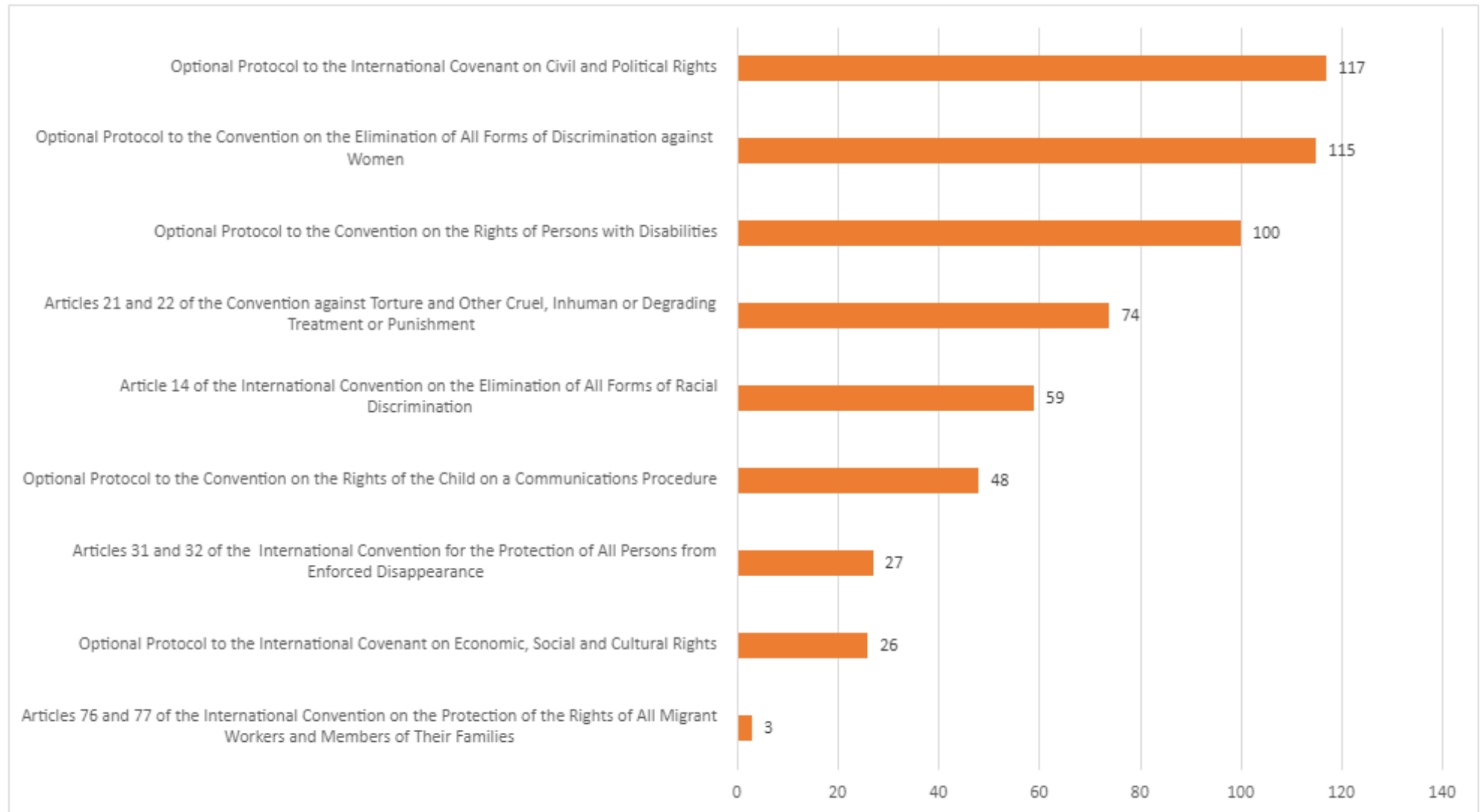
The OPIC is the fourth least ratified communications procedure of the International Human Rights Conventions (see graph below), following the communications procedure of the International Convention for the Protection of All Persons from Enforced Disappearance (articles 31 and 32; accepted by 27 States), the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (26 State parties), and the communications procedure of International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>2</sup> (articles 76 and 77; accepted by 3 States).

(Graph on next page)

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<sup>2</sup> This communications procedure will become operative when 10 States parties have made the necessary declaration under articles 76 and 77.

### Number of States parties to Communications procedures of International HR Conventions



### c. Annual informal exchange between Committee and States on the OPIC 2022

After having been [established as an annual event in 2021](#), on May 24, 2022, the annual informal exchange between the Committee on the Rights of the Child (the Committee) and States on the OPIC was conducted in a hybrid format, allowing a high level of participants from more than 30 different countries to join, either online via Zoom, or in person, at the Palais Wilson, Geneva, Switzerland. The annual informal exchange provides a space for informal exchange and strengthening of the collaboration between the Committee and States by allowing for a better understanding of the OPIC and its added value and by promoting this instrument's ratification. It is encouraging to note that 55.5% of the countries of persons who attended the event in 2022 were either from a country that has only signed the OPIC or from a country that has taken no action to ratify it (i.e., not even signed it). The 2022 annual informal exchange made a call to step up on advocacy for the universal ratification of OPIC, particularly as the 10<sup>th</sup> anniversary of its entry into force approaches, in 2024.

#### The Committee's sessions and individual communications under OPIC

##### Number and type of decisions

- ✓ Between January 2022 and June 2022, the Committee held 2 sessions: [Session 89](#) (31 January 2022 – 11 February 2022) and [session 90](#) (3 May 2022 – 3 June 2022).

During these sessions, 18 individual communications were adopted. Among these:

- ✓ 8 individual communication decisions were merits with violation(s).
- ✓ 1 individual communication decision was deemed inadmissible.
- ✓ 9 individual communication decisions were discontinued.

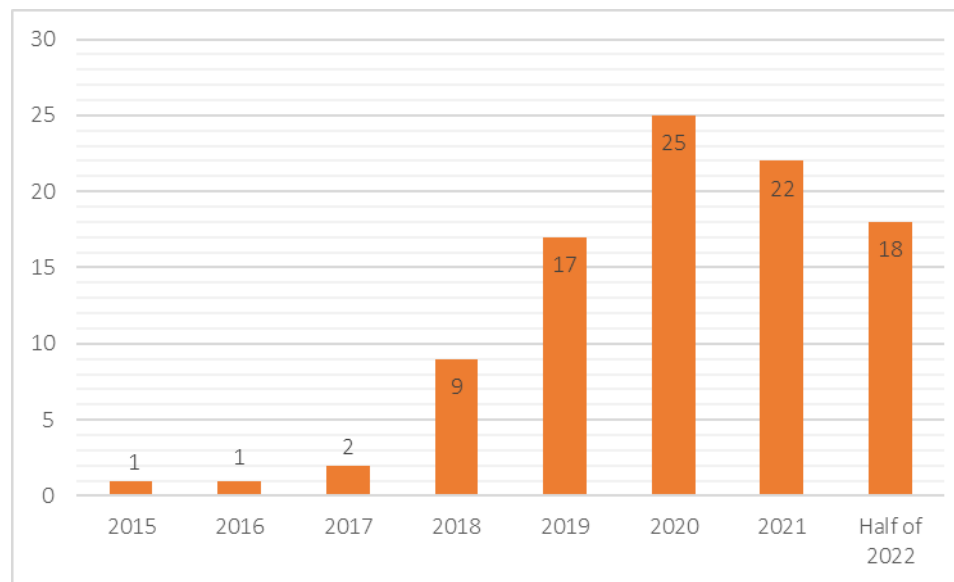
These decisions were against Spain (7); France (2)<sup>3</sup>; Belgium (3); Denmark (2); Switzerland (1); Slovakia (1); Georgia (1); and Chile (1).

For more details, you can visit [Child Rights Connect's CRC trends jurisprudence database](#)

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<sup>3</sup> Note that, in the decision [CRC/C/89/D/77-79-109-2019](#), the Committee decides on 3 individual communications.

Number of adopted and published decisions per year



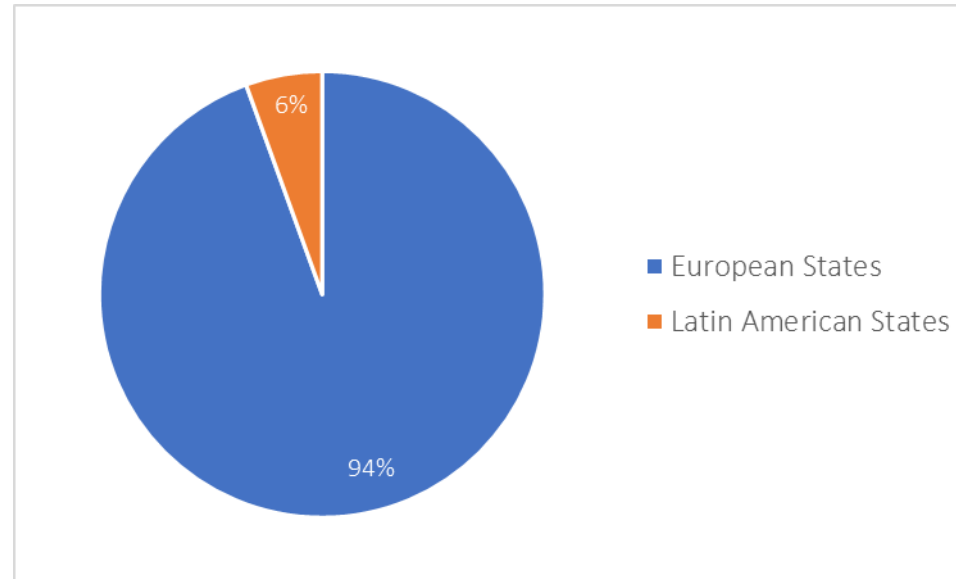
In mid-2021, the number of decisions adopted and published by the Committee was 16 (sessions 86 and 87); at the end of the year the total number was 22. Bearing in mind that, by mid-2022, the Committee has adopted 18 decisions on individual communications and that another session will take place in September, it is very likely that the total number of decisions adopted by the end of 2022 will be, if not equal, superior to the number of decisions adopted in 2021.

#### Number of decisions adopted per region

Out of the 18 individual communications adopted between January 2022 and June 2022, 17 were against European States (94% percent), and Spain in particular (7 decisions, representing 38.9% percent). One adopted decision was against Chile, bringing the percentage of adopted decisions of Latin American countries, so far in 2022, to 6%. In 2021, we saw a similar trend: 91% percent of adopted decisions were from European States, and 9% percent from Latin American States. However, so far, in 2022, we are starting to see **more diversity in the European countries concerned by**

the adoption of an individual communication. For example, in the 90<sup>th</sup> session, the Committee adopted for the first time a communication concerning Georgia and another concerning Slovakia.

Percentage of adopted and published decisions per region



#### Jurisprudential trends

So, far, in 2022, the Committee's adopted decisions have continued to concern mainly the theme of migration, including cases related to age assessment procedures of unaccompanied minors and deportation orders. **Nevertheless, in 2022, the Committee has also been adopting individual communications on new themes**, such as the [repatriation of children from refugee camps in Syria](#), the administrative detention of migrant children, the lack of an effective investigation around corporal punishment and its [first ever international child abduction case](#).

Pending cases to be reviewed by the Committee

[The Committee's table of pending cases](#) was last updated on February 23, 2022. According to this table—and excluding the cases that have been reviewed by the Committee after this date—there are 71 cases pending for the Committee's revision. Among these cases, most:

- ✓ Concern Switzerland (21), Spain (12), France (9), Denmark (7), and Argentina (2).
- ✓ Relate to these issues: deportation (27), children in alternative care (6), an age assessment of unaccompanied migrant (11), and the right to education (8), among others.

It is also relevant to note that several of the cases pending to be reviewed by the Committee **concern countries for which the Committee has never adopted an individual communication before**, such as: Bosnia and Herzegovina, Czech Republic, Ireland, Italy, Luxembourg, and Peru. Likewise, some pending cases **concern issues the Committee has never dealt with through its individual communications**. Particularly, around sexual, and reproductive health, children in alternative care and the impact of mining projects in indigenous people's land.

For the full list of countries and issues regarding the cases pending for the Committee's review, visit our OPIC dedicated website [here](#)

## The Committee's sessions and inquiry procedure under OPIC

During the 89<sup>th</sup> and 90<sup>th</sup> sessions, the Committee discussed and continued the consideration of inquiries under Article 13 of the Optional Protocol, but it did not provide additional information during the closing statement. According to the information that has been shared at the 76<sup>th</sup> session of the General Assembly on October 7, 2021, the Committee was working on four inquiries.<sup>4</sup> Until now, the only concluded inquiry concerns

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<sup>4</sup> Please see, [Statement by Mikiko Otani Chair of the Committee on the Rights of the Child at the 76th session of the General Assembly](#).



[Chile](#), for which the Committee published its recommendations and findings in June 2018.<sup>5</sup> In its 90<sup>th</sup> session, the Committee reviewed Chile for the first time after this inquiry and part of the interactive dialogue as well as the COBs focused on the follow-up to this inquiry<sup>6</sup>.

At the end of the 90<sup>th</sup> session, the Committee announced the adoption of its working methods on inquiries. They have yet to be published on [the Committee's website](#).

### OPIC recommendations in the Committee's Concluding Observations

So far, in 2022, Concluding Observations (COBs) on OPIC have focused on ratification (see annex below). On the one side, the Committee has welcomed OPIC ratification since the last State review; and on the other, it has encouraged States who have not done so, to ratify the OPIC to “further strengthen the fulfilment of children’s rights”. In this regard, the Committee has continued to implicitly make the link between OPIC ratification and article 4 of the Convention on the Rights of the Child (general measures of implementation). The recommendations have been included in the COBs under sections “Ratification of the Optional Protocol on a communications procedure” and the “Follow-up measures taken, and progress achieved by the State party.”

Different to 2021, so far, in 2022, there has been no explicit mention to access to justice as a key reason to ratify the OPIC in the COBs. Similarly, there have been no recommendations to disseminate information about the OPIC at the national level for States who have ratified the OPIC, as in the previous year.

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<sup>5</sup> The final edited version of the inquiry report was published in May 2020.

<sup>6</sup> COBs for Chile: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHL%2fCO%2f6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHL%2fCO%2f6-7&Lang=en)

## ANNEX: OPIC recommendations in the Committee's COBs

The table below displays the recommendations that the Committee issued in its Concluding Observations with regards to the OPIC for the 15 State parties to the Convention on the Rights of the Child that were reviewed **between January and May 2022**.

State party	Concluding Observations	OPIC status	Recommendations on OPIC	Location of OPIC recommendations in the COBs document
<a href="#"><u>89th session (31 January 2022 – 11 February 2022)</u></a>				
Madagascar	<a href="#"><u>(CRC/C/MDG/CO/5-6)</u></a>	Only Signatory	<b>K. Ratification of the Optional Protocol on a communications procedure</b> 47. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on a communications procedure.	Located under section K. <i>Ratification of the Optional Protocol on a communications procedure</i> , paragraph 47. It had its own section after section J (titled: <i>Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention</i> ).
Netherlands	<a href="#"><u>(CRC/C/NLD/CO/5-6)</u></a>	No Action	<b>K. Ratification of the Optional Protocol on a communications procedure</b> 44. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on a communications procedure.	Located under section K. <i>Ratification of the Optional Protocol on a communications procedure</i> , paragraph 44. It had its own section after section J (titled: <i>Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention</i> ).
<a href="#"><u>90th session (3 May 2022 – 3 June 2022)</u></a>				
Cambodia	<a href="#"><u>(CRC/C/KHM/CO/4-6)</u></a>	No Action	<b>L. Ratification of the Optional Protocol on a communications procedure</b> 53. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, accede to the Optional Protocol to the Convention on a communications procedure.	Located under section L. <i>Ratification of the Optional Protocol on a communications procedure</i> , paragraph 53. It had its own section after section J (titled: <i>Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention</i> ).
Canada	<a href="#"><u>(CRC/C/CAN/CO/5-6)</u></a>	No Action	<b>K. Ratification of the Optional Protocol on a communications procedure</b>	Located under section K. <i>Ratification of the Optional Protocol on a communications procedure</i> , paragraph 48. It had its own section after section J

			48. The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.	(titled: <i>Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention</i> ).
Chile	<a href="#">(CRC/C/CHL/CO/6-7)</a>	State Party	<p><b>E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)</b></p> <p>19. Recalling its previous recommendations, with reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and the Committee's report on the Inquiry concerning Chile under article 13 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, 1 and taking note of target 16.2 of the Sustainable Development Goals on ending all forms of violence against children, the Committee urges the State party to:</p> <p>(a) Establish reparation mechanisms for past or present victims, prioritizing their right to be heard and to express their pain, and ensure that all cases of death of children while under the care of the State party are promptly and impartially investigated by an independent body;</p> <p>(b) Conduct prompt and thorough investigations ensuring accountability and no impunity, including of all cases of violence against children during the October 2019 demonstrations and of the several violent episodes against children perpetrated by the carabineros, and ensure prosecution, sanctions and accountability of all carabineros and all other officials, - involved in torture, cruel or degrading treatment against children;</p>	<p>No specific section dedicated to the OPIC; it was integrated under recommendations and themes:</p> <ul style="list-style-type: none"> <li>• E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)</li> <li>• F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))</li> </ul>

		<p>(c) Put in place measures, including creation of a specialized independent legal team, to ensure the protection and reparation of children who are victims of physical abuse, and/or sexual violence committed by State officials;</p> <p>(d) Ensure that there is a well-established reparation mechanism for Mapuche children who are victims of police violence;</p> <p>(e) Ensure ongoing training, monitoring and evaluation in the development of strategies with regards to the protection of children;</p> <p>(f) Ensure ongoing in-person human rights monitoring by the National Preventive Mechanism against Torture of youth centres, including centres where children are detained;</p> <p>(g) Guarantee resources for the rapid implementation of the law that creates the System of Guarantees and Comprehensive Protection of the Rights of Children and Adolescents and establish the right of children to protection against violence, including mental, physical and sexual abuse, and take effective and prompt measures to prevent, investigate, sanction all forms of violence against children;</p> <p>(h) Make information from the database system of all forms of violence against children publicly available and provide unified information across sectors;</p>	
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			<p>(i) Implement the plan to end institutional violence in alternative residential care.</p> <p><b>F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))</b>  <b>Children deprived of a family environment</b></p> <p>24. While noting the closure of some large residential centres, the increase in the number of children under the care of a family, and the actions taken by the State party to address the systematic violations of children’s rights in its care, the Committee remains deeply concerned about:          [...]</p> <p>(h) Limited implementation of recommendations made by the Committee in its report on the Inquiry concerning Chile under article 13 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (CRC/C/CHL/IR/1).</p>	
Croatia	<a href="#">(CRC/C/HRV/CO/5-6)</a>	State Party	<p><b>Concluding observations on the combined fifth and sixth reports of Croatia</b></p> <p><b>II. Follow-up measures taken and progress achieved by the State party</b></p> <p>3. The Committee welcomes the progress achieved by the State party in various areas, including multiple legislative efforts such the amendments to the Family Act, the Social Welfare Act, the Fostership Act, the Child Supplement Act, the Act on Maternity and Parental Benefits and the Act on Youth Councils, Criminal Code and the Act on Protection from Domestic Violence; the adoption of the Act on the Implementation of the Convention on the Civil Aspects of the International Child Abduction in 2019, the ratification of the Istanbul Convention in 2018, and the adoption of the National Strategy for the</p>	Mentioned under section II. <i>Follow-up measures taken and progress achieved by the State party, paragraph 3.</i>

			Protection against Domestic Violence 2017-2022. It also notes with appreciation the ratification of the <u>Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2017.</u>	
Cuba	<a href="#">(CRC/C/CUB/CO/3-6)</a>	No Action	<b>L. Ratification of the Optional Protocol on a communications procedure</b> 51. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, ratify the Optional Protocol to the Convention on a communications procedure.	Located under section L. <i>Ratification of the Optional Protocol on a communications procedure</i> , paragraph 46. It had its own section after section K (titled: <i>Follow-up to the Committee’s previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention</i> ).
Cyprus	<a href="#">(CRC/C/CYP/CO/5-6)</a>	State Party	<b>Concluding observations on the combined fifth and sixth reports of Cyprus</b> <b>II. Follow-up measures taken and progress achieved by the State party</b> 3. The Committee welcomes the progress achieved by the State party in various areas, <u>including the ratification of the Optional Protocol of the Convention on a Communications Procedure</u> , in 2017, and the Council of Europe Conventions on preventing and combating violence against women and domestic violence, in 2017, and on the Protection of Children against Sexual Exploitation and Sexual Abuse, in 2015. It also welcomes other legislative, institutional and policy measures concerning children’s rights, including establishing a child justice system and combating violence against children.	Mentioned under section II. <i>Follow-up measures taken and progress achieved by the State party</i> , paragraph 3.
Djibouti	<a href="#">(CRC/C/DJI/CO/3-5)</a>	No Action	<b>K. Ratification of the Optional Protocol on a communications procedure</b> 46. The Committee recommends that the State party consider ratifying the Optional Protocol to the Convention on a communications procedure.	Located under section L. <i>Ratification of the Optional Protocol on a communications procedure</i> , paragraph 46. It had its own section after section J (titled: <i>Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)</i> ).

Greece	<a href="#">(CRC/C/GRC/CO/4-6)</a>	No Action	<p><b>L. Ratification of the Optional Protocol on a communications procedure</b></p> <p>46. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, ratify the Optional Protocol to the Convention on a communications procedure.</p>	Located under section L. <i>Ratification of the Optional Protocol on a communications procedure</i> , paragraph 46. It had its own section after section K (titled: <i>Follow-up to the Committee’s previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention</i> ).
Iceland	<a href="#">(CRC/C/ISL/CO/5-6)</a>	No Action	<p><b>L. Ratification of the Optional Protocol on a communications procedure</b></p> <p>48. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, accede to the Optional Protocol to the Convention on a communications procedure.</p>	Located under section L. <i>Ratification of the Optional Protocol on a communications procedure</i> , paragraph 48. It had its own section after section K (titled: <i>Follow-up to the Committee’s previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention</i> ).
Kiribati	<a href="#">(CRC/C/KIR/CO/2-4)</a>	No Action	<p><b>K. Ratification of the Optional Protocol on a communications procedure</b></p> <p>59. The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.</p>	Located under section K. <i>Ratification of the Optional Protocol on a communications procedure</i> , paragraph 59. It had its own section after section J (titled: <i>Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)</i> ).
Somalia	<a href="#">(CRC/C/SOM/CO/1)</a>	No Action	<p><b>K. Ratification of the Optional Protocols to the Convention</b></p> <p>70. The Committee recommends that the State party ratify the Optional Protocols to the Convention on the involvement of children in armed conflict, on the sale of children, child prostitution and child pornography and on a communications procedure</p>	Located under section K. <i>Ratification of the Optional Protocols to the Convention</i> , paragraph 70. It had its own section after section J (titled: <i>Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)</i> )
Zambia	<a href="#">(CRC/C/ZMB/CO/5-7)</a>	No Action	<p><b>K. Ratification of the Optional Protocols to the Convention</b></p> <p>47. The Committee recommends that the State party, in order to further strengthen the fulfilment of</p>	Located under section K. <i>Ratification of the Optional Protocols to the Convention</i> , paragraph 47. It had its own section after section J (titled: J.

			<p>children's rights, ratify the Optional Protocols to the Convention on the involvement of children in armed conflict, on the sale of children, child prostitution and child pornography and on a communications procedure.</p>	<p><i>Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40))</i></p>
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