

HOW TO USE UNITED NATIONS HUMAN RIGHTS RESOLUTIONS TO ADVANCE CHILDREN'S RIGHTS

Summary

The Convention on the Rights of the Child is the most widely accepted international human rights treaty by States, with only one country still to ratify it. But governments often do not fully comply with their international obligations and violate children's rights, including failing to adopt and implement the necessary measures and policies that could make a difference. Systematically reminding them of the latest international standards and interpretation of these rights, the measures required for their implementation, as well as the commitments made by States through human rights resolutions, can be a powerful strategy to ensure the full realisation of children's rights.

























Every year, United Nations (UN) intergovernmental bodies, such as the UN General Assembly and the UN Human Rights Council, adopt several resolutions negotiated among States, which include political expressions and policy recommendations on issues relating to international law, human rights, peace, justice, and security. These documents, which are not always common knowledge and can be difficult to access, can be extremely useful in supporting and advancing your work on children's rights at all levels.

This guide aims to inspire and enable civil society practitioners to make the most of human rights resolutions adopted by the UN to advance children's rights, especially in their countries. To that end, it provides a step-by-step plan of action, case studies and practical tips and tools to help you on this journey.

Who is this guide for?

This guide aims to assist all civil society organisations (CSOs), human rights defenders, and practitioners, whether they are familiar with the UN human rights system or not. It is designed so that you can access the different sections you need according to your knowledge and experience of the UN human rights system.

Depending on the resources, size, network and priorities of your organisation or coalition, you may be able to undertake all, or some of the activities suggested in the guide. Don't be discouraged if your organisation is unable to do all the activities. Any action you take counts.

The focus of the guide

This guidance focuses on UN human rights resolutions adopted by the UN General Assembly (UNGA) and the UN Human Rights Council (HRC) which may be relevant to children's rights, but it can generally apply to other resolutions or conclusions adopted by other bodies of the UN system relevant to human rights (e.g. the UN Security Council, the Economic and Social Council, and the Commission on the Status of Women) and regional human rights bodies.

Note

It is important to note that the UN Security Council, which is responsible for maintaining international peace and security, has adopted many resolutions that are relevant to children's rights, particularly in the area of children and armed conflict. A relevant tool in this regard is the child-friendly version of UN Security Council Resolution 1612.

Contents

| What are UN human rights resolutions? Why are UN human rights resolutions important for your work? How have UN human rights resolutions dealt with children's rights? Table 1: UN resolutions on the rights of the child Table 2: Other UN resolutions of relevance to the rights of the child The process of drafting a UN human rights resolution and opportunities for civil society engagement PART 2. Guidance: How to use UN human rights resolutions to advance children's rights A step-by-step approach STEP 1. Identify and select relevant resolutions STEP 2. Unpack the content of the resolutions STEP 3. Take action on the resolutions Case studies Case study 1: Following up on the implementation of a country resolution: the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution Towards better investment in the rights of the child 27 |
|--|
| How have UN human rights resolutions dealt with children's rights? Table I: UN resolutions on the rights of the child Table 2: Other UN resolutions of relevance to the rights of the child The process of drafting a UN human rights resolution and opportunities for civil society engagement PART 2. Guidance: How to use UN human rights resolutions to advance children's rights A step-by-step approach STEP 1. Identify and select relevant resolutions STEP 2. Unpack the content of the resolutions STEP 3. Take action on the resolutions Case studies Case study 1: Following up on the implementation of a country resolution: the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution |
| Table 1: UN resolutions on the rights of the child Table 2: Other UN resolutions of relevance to the rights of the child The process of drafting a UN human rights resolution and opportunities for civil society engagement PART 2. Guidance: How to use UN human rights resolutions to advance children's rights A step-by-step approach STEP 1. Identify and select relevant resolutions STEP 2. Unpack the content of the resolutions STEP 3. Take action on the resolutions 13 STEP 3. Take action on the resolutions 15 Case studies Case study 1: Following up on the implementation of a country resolution: the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution |
| Table 2: Other UN resolutions of relevance to the rights of the child The process of drafting a UN human rights resolution and opportunities for civil society engagement PART 2. Guidance: How to use UN human rights resolutions to advance children's rights A step-by-step approach STEP 1. Identify and select relevant resolutions STEP 2. Unpack the content of the resolutions STEP 3. Take action on the resolutions 13 STEP 3. Take action on the resolutions 15 Case studies Case study 1: Following up on the implementation of a country resolution: the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution |
| The process of drafting a UN human rights resolution and opportunities for civil society engagement PART 2. Guidance: How to use UN human rights resolutions to advance children's rights A step-by-step approach STEP 1. Identify and select relevant resolutions STEP 2. Unpack the content of the resolutions STEP 3. Take action on the resolutions 13 Case studies Case study 1: Following up on the implementation of a country resolution: the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution |
| PART 2. Guidance: How to use UN human rights resolutions to advance children's rights A step-by-step approach STEP 1. Identify and select relevant resolutions STEP 2. Unpack the content of the resolutions STEP 3. Take action on the resolutions 13 Case studies Case study 1: Following up on the implementation of a country resolution: the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution |
| PART 2. Guidance: How to use UN human rights resolutions to advance children's rights A step-by-step approach STEP 1. Identify and select relevant resolutions STEP 2. Unpack the content of the resolutions STEP 3. Take action on the resolutions 13 Case studies Case study 1: Following up on the implementation of a country resolution: the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution |
| A step-by-step approach STEP 1. Identify and select relevant resolutions STEP 2. Unpack the content of the resolutions STEP 3. Take action on the resolutions 13 STEP 3. Take action on the resolutions 17 Case studies Case study 1: Following up on the implementation of a country resolution: the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution |
| STEP 1. Identify and select relevant resolutions STEP 2. Unpack the content of the resolutions STEP 3. Take action on the resolutions 13 STEP 3. Take action on the resolutions 17 Case studies Case study 1: Following up on the implementation of a country resolution: the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution |
| STEP 2. Unpack the content of the resolutions STEP 3. Take action on the resolutions 17 Case studies Case study 1: Following up on the implementation of a country resolution: the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution |
| Case studies Case study 1: Following up on the implementation of a country resolution: the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution |
| Case studies Case study 1: Following up on the implementation of a country resolution: the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution |
| Case study 1: Following up on the implementation of a country resolution: the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution |
| the case of Nicaragua Case study 2: Influencing national laws and policy using the HRC resolution |
| Case study 2: Influencing national laws and policy using the HRC resolution |
| |
| Towards better investment in the rights of the child 27 |
| |
| ANNEXES |
| Annexe I: What is the UN General Assembly? What is the UN Human Rights Council? |
| Annexe 2: How to find relevant UN human rights resolutions, how they were |
| adopted and how your State engaged with their development |
| TEMPLATES |
| Template 1: Email to disseminate information about the adoption of a resolution |
| Template 2: Letter for outreach to State officials to follow up on a resolution |
| Bibliography and other resources 29 |

Part 1. Background information

For those of you who are not familiar with the UN General Assembly, the UN Human Rights Council and their respective resolutions, here you will find background information on the key things you need to know to use this tool effectively.

What are "UN human rights resolutions"?

"Resolutions" are a type of formal document adopted by <u>UN intergovernmental bodies</u>. They are drafted and negotiated among States but can be influenced by civil society. They can address any issue relating to international law, peace, justice, and security, or relevant to the international community, including promoting and protecting human rights. To find out more about the UN's mandate, you can read the <u>UN Charter</u>.

A glossary of key terms can be found on the <u>How to Child Rights website</u>. These key terms are marked in bold throughout the tool and include a hyperlink to the glossary.

Resolutions related to human rights issues are typically adopted by the UN General Assembly (UNGA) (usually upon recommendation of its Third Committee) or its subsidiary body, the UN Human Rights Council (HRC) (for more information on these bodies see Annexe 1). These resolutions aim to advance specific thematic human rights issues or address human rights concerns in specific country situations, including by "instigat[ing] or induc[ing] legislative change or best practice at the national level". 1

You can find resolutions on a wide variety of topics such as mental health, violence against women and girls, human rights defenders, water and sanitation, and the environment. As children's rights are human rights, any human rights resolution is potentially relevant for children too, even if it does not focus specifically on children (e.g. resolutions on civil society space (A/HRC/RES/38/12), resolutions on human rights defenders (A/HRC/RES/40/11)). Some resolutions do tackle children's rights issues specifically, such as education, children and armed conflict, and the sale and sexual exploitation of children. See Table 2 on *Other UN resolutions of relevance to the rights of the child*.

UNGA and HRC resolutions are not legally binding instruments, meaning they don't have the same status as laws. They are, nevertheless, recommendations reflecting a collective political

¹See "<u>The Human Rights Council. A practical guide</u>", (2015), Permanent Mission of Switzerland to the United Nations Office and to the other international organisations in Geneva, p.23.

position on a particular theme or country situation and can constitute what is often referred to as "soft law" (i.e. quasi-legal instruments, which are not legally binding, as opposed to "hard law" instruments, which are legally binding, like treaties or conventions).

In this guide, the term "UN human rights resolutions" refers to all resolutions adopted by the UNGA and the HRC relating to human rights issues.

There are different types of resolutions, and you may come across some of the following terms:

- Thematic resolution: a resolution that addresses (a) specific human rights topic(s).
- **Country-specific** resolution: a resolution that addresses a specific country's situation.
- Substantial resolution: a resolution that contains recommendations to UN Member States and/or UN entities and/or other actors. It can be a thematic resolution or a country resolution.
- Procedural resolution: a resolution that addresses working methods and procedural matters or establishes or renews UN mechanisms, such as a special procedure of the HRC.
- Recurring resolution (could be annual, biennial or triennial): a resolution in which the UNGA or the HRC decided to "remain seized of the matter" (i.e. to continue to monitor the situation) and which will be presented again before that body, with a new perspective, at a future session (or every year for annual resolutions and every two or three years for biennial and triennial resolutions, respectively).
- **Stand-alone** resolution: a resolution concerning an issue that is meant to be presented only once before the UNGA or the HRC.
- Main sponsor(s) or core group of a resolution: the State(s) that initiated the resolution, led the negotiations of the text and presented the resolution for adoption by the UNGA or the HRC.
- <u>Co-sponsor(s)</u> of a resolution: the States which have endorsed a resolution by adding their name to the list of States sponsoring the resolution.

Key sections of a resolution

Every resolution is divided into two main parts:

- <u>The preambular part:</u> This is the first part of a resolution. It typically includes references to background information, international or regional instruments, events or recommendations, previous resolutions and any other element that may serve as the basis for the operative part. Preambular paragraphs are referred to as "PPs".
- The operative part: The second part of a resolution is the most important one. This is where actions by UN entities, Member States or other actors are "encouraged", "urged", "called upon", "requested", etc. Operative paragraphs are referred to as "OPs" and are usually numbered in the resolution.

In addition to these two parts, every resolution also indicates:

- The UN body adopting it;
- The number of the session during which the resolution was adopted;
- The date of adoption; and
- For HRC resolutions, whether the resolution was adopted by consensus or through a
 vote, in which case the voting record is also included. For UNGA resolutions, this
 information is not included in the text and can be found using the <u>UN library search</u>
 (See Annex 2).

The State(s) that initiated the resolution, led the negotiations of the text and presented the resolution for adoption by the UNGA or the HRC (main sponsor(s)) and the State(s) which have decided to support its adoption (co-sponsors) are not listed in the final resolution. They only appear in the version of the resolution presented for adoption and in the session report of the UNHRC or UNGA Third Committee. For guidance on how to find this information, see Annex 2.

Why are UN human rights resolutions important for your work?

As mentioned previously, UN human rights resolutions are not legally binding for States, so what's the point in having them, and how can they be useful? There are four main reasons why they are important for your work:

They have a political value

- Resolutions are drafted by States and mainly target States. As such, they have a strong
 political value. They crystallise the view of the international community, including
 governments, on specific human rights at a given time and reflect what States'
 behaviour is encouraged (and what behaviour is unacceptable).
- They raise matters of particular concern to the international community, such as the impact on human rights of current events and challenges (e.g., the climate crisis and the COVID-19 pandemic); shifts and new standards regarding specific human rights topics (e.g. gender equality); and the human rights situation in a specific country that commands the world's attention.

Resolutions can be used to raise awareness about an issue to get it in the national political agenda.

They do have some legal weight

- Resolutions often refer to (and recall) existing norms and legally binding obligations of States.
- They interpret, consolidate, and systematise existing norms and standards of international human rights law.

Resolutions can be seen (and used in advocacy) as describing what existing State obligations include.

They may lead to the creation of new norms and standards of international human rights law

 Resolutions can endorse principles or declarations which have high international authority, such as the <u>UN Guiding Principles on Business and Human Rights</u> and the <u>UN Guidelines for the Alternative Care of Children</u>. National, regional or international jurisdictions have referred to these guidelines to support their judicial decisions.

See, for instance, in 1980, the United States Court of Appeals, which referred to the Universal Declaration of Human Rights and UNGA resolutions A/RES/2625 and A/RES/3452 in the case of Filartiga v. Pena-Irala to prove that no country can claim the right to torture its citizens (see paragraphs 882 and 883 of the case).

 They can also conceptualise new human rights, such as the right to safe and clean drinking water and the right to a clean, healthy, and sustainable environment.

On 28 July 2010, the UNGA adopted a landmark resolution recognising "the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights" (A/RES/64/292).

Similarly, on 28 July 2022, the UNGA adopted a historical resolution recognising "the human right to a clean, healthy and sustainable environment" (A/RES/76/300) following HRC resolution A/HRC/RES/48/13, which had already recognised this new human right.

 Through State practice, such declarations may become norms of <u>customary</u> international law, i.e. rules that come from a general practice accepted as law.

The 1948 <u>Universal Declaration of Human Rights</u> was first a UNGA resolution. Today, it is considered as **customary international law** and it has influenced numerous national constitutions and international treaties, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

They have practical value

- Resolutions encourage good practices in implementing human rights and provide additional guidance that can be used to develop a roadmap for implementing certain child rights.
- Resolutions provide actionable recommendations to States.

See below for some examples of general and actionable recommendations made to States in resolutions:

- To "provide a safe and empowering context for initiatives organised by young people and children to defend human rights relating to the environment", see
 OP14 (e) of 2019 HRC resolution A/HRC/RES/40/11.
- To "involve and provide children with the opportunity to participate effectively in the development of initiatives to prevent and address bullying", see OP3(k) of 2020 UNGA resolution A/RES/75/166.
- "In their response to the COVID-19 pandemic, to prioritise the restoration of interrupted child services, including education, nutrition, maternal and new-born health, immunisation and sexual and reproductive health-care services, HIV treatment, mental health and psychosocial support, and child social and protection services", see OP33 of 2021 UNGA resolution A/RES/76/147.
- To "take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour and to end child labour in all its forms, by 2025 at the latest", see OP18 of 2021 UNGA resolution A/RES/76/147.
- To "acknowledge the different needs of girls and boys during their childhood and adolescence and, as appropriate, to make adapted investments that are consistent with and responsive to their changing needs", see OP19 of 2021 UNGA resolution A/RES/76/146.
- To "adopt and implement nationality legislation with a view to prevent and reduce statelessness among women and children" (OP3) and to "reform nationality laws that discriminate against women by granting equal rights to men and women to confer nationality to their children", see OP6 of 2012 HRC resolution A/HRC/RES/20/4.
- To repeal laws and provisions that restrict legal capacity and permit involuntary medical procedures, including forced sterilisation and abortion, as a means to eliminate violence against women and girls with disabilities, see OP8 (i) of 2021 HRC resolution A/HRC/RES/47/15.

How have UN human rights resolutions dealt with children's rights?

Both the UNGA and the HRC have recurring standing resolutions on "the rights of the child" (RoC) introduced by Uruguay on behalf of the Group of Latin American and Caribbean States and the European Union (EU). Since 2020, these resolutions are introduced every two years (from 2008 until 2020, there was a resolution every year), and they usually have a specific thematic focus (see <u>Table 1</u> on *UN resolutions on the rights of the child*). At the UNGA, the RoC resolution is an <u>omnibus resolution</u>, which covers a wide range of child rights issues and unpacks one selected theme each time.²

For more information on omnibus resolutions, check out the child-friendly tool <u>What is an</u> Omnibus resolution?

At the HRC, usually during its March session, there is an <u>annual full-day meeting on the rights of the child</u> with a different thematic focus every year. These meeting discussions inform the content of resolutions during years in which a resolution on the rights of the child is presented. Civil society actors, including children, are invited to participate in this meeting. There is no such meeting at the UNGA.

In addition to these recurring RoC resolutions, the UNGA and the HRC have adopted numerous thematic resolutions relating to various specific child rights issues or human rights issues with specific elements relating to children, either as one-time resolutions, or as recurrent ones. In particular, the UNGA has a standing biennial resolution on "the girl child" (see the Table 2 on Other UN resolutions of relevance to the rights of the child).

Each time that a UNGA or HRC specifies that it "remains seized of the matter" at the end of the resolution, this means that another resolution on this topic will be negotiated at the UNGA or HRC in the future.

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² See UNHRC resolution on the "Rights of the child", <u>A/RES/HRC/19/37</u>, OP70(c), adopted without a vote on 23 March 2012.

How do UNGA and HRC resolutions relate to each other?

Both the UNGA and the HRC are free to decide which topics they should address in a resolution, without needing to coordinate or collaborate, even when they discuss and adopt resolutions on the same issue. While this may lead to the duplication or even weakening of certain resolutions, it has also worked out as a complementary system.

The main difference between a UNGA and an HRC resolution comes from the difference between the UNGA and the HRC:

- The HRC is technically a subsidiary body of the UNGA, meaning that it reports to the UNGA (see Annex 1).
- But the HRC is also the main UN intergovernmental body responsible for the promotion and protection of all human rights around the globe, which makes it the specialised UN body on these issues.
- The UNGA is composed of all UN Member States, while the HRC is composed of 47
 UN Member States, which may impact the representativity of its resolutions.

The UNGA usually does not consider that the language of an HRC resolution is "agreed language", i.e. language that has been included in UNGA resolutions adopted by consensus (i.e. without a vote), and thereby enjoys support from all States, whereas the HRC may consider UNGA resolutions as "agreed language".

In short, both can be useful to advance children's rights and there is no existing rule stating that one should be more important than the other.

Table 1: UN resolutions on the rights of the child

| All HRC resolutions on the rights of the child adopted up to 2022 | UNGA resolutions on the rights of the child adopted from 2008-2022 |
|---|---|
| 2008, 7th Session: Rights of the child (A/HRC/7/29) | 2008, 63rd Session: Rights of the child (<u>A/RES/63/241</u>) Focus: Child labour |
| 2009, 10th Session: Implementation of the Convention of the Rights of the Child and its Optional Protocols (A/HRC/10/29) | 2009, 64th Session: Rights of the child (A/RES/64/146) Focus: The right of the child to express his or her views freely in all matters affecting him or her |
| 2010, 13th Session: The Rights of the Child. The fight against sexual violence against children (<u>A/HRC/RES/13/20</u>) | 2010, 65th Session: Rights of the child (<u>A/RES/65/197</u>) Focus: Implementing child rights in early childhood |
| 2011, 16th Session: Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street (A/HRC/RES/16/12) | 2011, 66th Session: Rights of the child (A/RES/66/141) Focus: Rights of children with disabilities |
| 2012, 19th Session: Rights of the child (<u>A/HRC/RES/19/37</u>) | 2012, 67th Session: Rights of the child (<u>A/RES/67/152</u>) Focus: Rights of indigenous children |
| 2013, 22nd Session: Rights of the child: the right of the child to the enjoyment of the highest attainable standard of health (A/HRC/RES/22/32) | 2013, 68th Session: Rights of the child (A/RES/68/147) No focus |
| 2014, 25th Session: Rights of the child: access to justice for children (A/HRC/RES/25/6) | 2014, 69th Session: Rights of the child (A/RES/69/157) Focus: Progress achieved and challenges in protecting children from discrimination and overcoming inequalities in the light of the twenty-fifth anniversary of the adoption of the Convention on the Rights of the Child |
| 2015, 28th Session: Rights of the child: towards a better investment in the rights of the child (<u>A/HRC/RES/28/19</u>) | 2015, 70th Session: Rights of the child (<u>A/RES/70/137</u>). Focus: Right to education |
| 2016, 31st Session: Rights of the child: information and communications technologies and child sexual exploitation (A/HRC/RES/31/7) | 2016, 71st Session: Rights of the child (<u>A/RES/71/177</u>) Focus: Migrant children |
| 2017, 34th Session: Rights of the child: Protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development (A/HRC/RES/34/16) | 2017, 72nd Session: Rights of the child (A/RES/72/245) Focus: Violence against children |
| 2018, 37th Session: Rights of the child: protection of the rights of the child in humanitarian situations (A/HRC/RES/37/20) | 2018, 73rd Session: Rights of the child (A/RES/73/155) Focus: Promotion and protection of the rights of the child and non-discrimination against children |
| 2019, 40th Session: Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education (A/HRC/RES/40/14) | 2019, 74th Session: Rights of the child (A/RES/74/133) Focus: Children without parental care |
| 2020, 45th Session: Rights of the child: realising the rights of the child through a healthy environment (A/HRC/RES/45/30) ³ | - |
| | 2021, 76th Session: Rights of the child (A/RES/76/147). Focus: Children and the Sustainable Development Goals |
| 2022, 49th Session: Rights of the child: realising the rights of the child and family reunification (A/HRC/RES/49/20) | |

³ See also the guidance on <u>How to Support the Implementation of United Nations Resolution "Realising Children's Rights through a</u> Healthy Environment"

Table 2: Other UN resolutions of relevance to the rights of the child (not an exhaustive list)

| | Recent resolutions |
|--|--|
| The girl child (UNGA) | A/RES/76/146 (2021) |
| Protecting children from bullying (UNGA) | A/RES/75/166 (2020) |
| Intensifying global efforts for the elimination of female genital mutilation (UNGA) Elimination of female genital mutilation (HRC) | A/RES/75/160 (2020) (UNGA) A/HRC/RES/50/16 (2020) (HRC) |
| Intensification of efforts to prevent and eliminate all forms of violence against women and girls (UNGA and HRC) | A/RES/75/161 (2020) (UNGA) A/HRC/RES/47/15 (2021) (HRC) |
| Elimination of discrimination against women and girls (HRC) | A/HRC/RES/44/17 (2020) |
| Trafficking in women and girls (UNGA) | A/RES/75/158 (2020) |
| Trafficking in persons, especially women and children (HRC) | <u>A/HRC/RES/44/4</u> (2020) |
| Child, early and forced marriage (UNGA and HRC) | A/RES/75/167 (2020) (UNGA) A/HRC/RES/41/8 (2019) (HRC) |
| Realising the Equal Enjoyment of the Right to Education by Every Girl (HRC) | <u>A/HRC/RES/47/5</u> (2021) |
| Right to education (HRC) | <u>A/HRC/RES/47/6</u> (2021) |
| The World Programme for Human Rights Education (HRC) | <u>A/HRC/RES/42/7</u> (2019) |
| Unaccompanied children (HRC) | <u>A/HRC/RES/36/5</u> (2017) |
| Preventable maternal mortality and morbidity (HRC) | A/HRC/RES/47/25 (2021) |
| Women and girls' full enjoyment of human rights in humanitarian situations (HRC) | A/HRC/RES/45/29 (2020) |
| Improvement of the situation of women and girls in rural areas (UNGA) | A/RES/76/140 (2021) |

The process of drafting a UN human rights resolution and opportunities for civil society

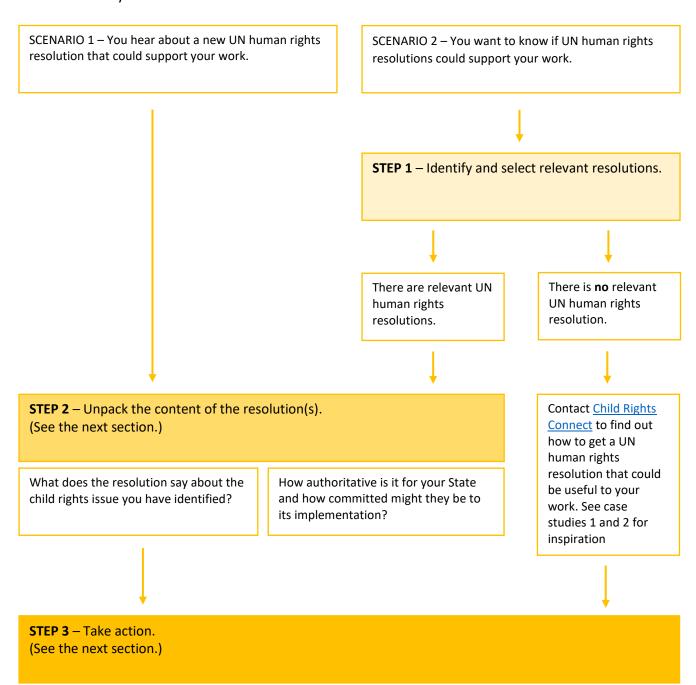
Although this tool focuses on the use of and follow-up to UN human rights resolutions, this graphic provides some basic information on the drafting process, which can be very relevant to understanding the background and content of resolutions. UN human rights resolutions are created following a similar process at the UNGA and HRC:

| IDEA for a NEW RESOLUTION TIMING for a | NEW RESOLUTION: A State or a group of States ("main sponsor(s)") want(s) to propose a new resolution for adoption at an upcoming UNGA or HRC session. This idea may arise because the issue is a political priority of (the) State(s), because they were convinced by CSOs, an expert body or a study to bring this issue up (see case studies 1 and 2). |
|---|--|
| RECURRENT RESOLUTION on the same issue/country situation | RECURRENT RESOLUTION: Member States at the UNGA or HRC may decide that there is a need to look regularly at a certain theme or country situation and remain seized of the matter brought by a resolution. In that case, the theme or the country situation addressed will come back periodically before the UNGA/HRC and a new resolution bringing a new perspective on that theme or country situation will be created following the same process. |
| | TIP: CSOs might be able to advocate for a new resolution or a new theme for a recurrent resolution by working closely with State champions on those human rights issues or the main sponsors of the relevant resolution. |
| DRAFTING of the resolution | The main sponsor(s) draft(s) the text of the resolution. In doing so, diplomats work with their colleagues in relevant ministries at the national level (especially the Ministry of Justice and Ministry of Foreign Affairs). |
| | TIP: They sometimes consult UN entities and may also take into consideration proposals and feedback from CSOs they work closely with. |
| NEGOTIATION and revision of the draft text | At the beginning of the UNGA/HRC session, during which the resolution is meant to be adopted, the main sponsor(s) organise "open-ended informals", i.e. meetings during which any interested State can come and suggest inputs, propose amendments and voice concerns about the draft resolution. At the HRC, CSOs can also attend and speak during these meetings and lobby the main sponsor(s), other States and UN entities (e.g. the UNICEF Human Rights Unit in Geneva) for the inclusion/revision of language in the draft. At the UNGA, CSOs cannot participate in these meetings and have to work informally with the State to inform the text of resolutions. UN entities cannot engage in negotiations but may be invited to answer questions posed by States and, at times, may also work to influence States' positions. |
| | TIP: If you want to influence the text of a resolution, check the <u>International Service for Human Rights (ISHR)</u> <u>Academy</u> and the Swiss Guides on the <u>UNGA/HRC</u> . Also see case studies 1 and 2. |
| ADOPTION of the resolution | At the end of the session concerned, the main sponsor(s) present the negotiated draft resolution before the UNGA/HRC for adoption (they are said to "formally table the draft proposal"). Amendments can still be requested at this point by States and will be put to a vote. The resolution is said to be adopted by consensus ("without a vote") if no UNGA/HRC Member State asks to put it to a vote. If the resolution is voted on, it will only be adopted if a majority of UNGA/HRC Member States vote in its favour. |
| | TIP: CSOs may lobby States to co-sponsor or vote in favour for (or against) the resolution. |
| IMPLEMENTATION phase for States/UN entities | IMPLEMENTATION: As soon as the draft resolution is adopted, it becomes a final resolution of the UNGA/HRC, i.e. a formal UN document, and UN Member States, as well as UN entities and any other actor identified in the resolution, may implement its recommendations. |
| FOLLOW-UP to the resolution | FOLLOW-UP: In parallel, CSOs may follow up and monitor the implementation of the resolution at national, regional and/or international level(s). CSOs which have concentrated on influencing the content of a resolution in the drafting/negotiation stages often overlook this last stage. This is the key step this guidance aims to develop. |

Part 2. Guidance: How to use UN human rights resolutions to advance children's rights

A step-by-step approach

Depending on your starting point or scenario, here's what you could do to use UN human rights resolutions in your work.



STEP 1. Identify and select relevant resolutions

If you are unsure if there are existing UN human rights resolutions on a child rights issue relevant to your work, then you will need first to identify and select the resolutions that can help you. Please see Annex 2 to find out more about different databases you can use to search resolutions according to their theme, country, and UN body (UNGA or HRC).

TIP: When you find an interesting UN resolution, always check:

- If there are other resolutions on the same topic that were adopted by the same UN body and, if so, if there is a more recent resolution.
- If a resolution on a similar issue has also been adopted by the other UN body (UNGA or HRC). It is always important to know how both UN bodies have addressed the same issue.

STEP 2. Unpack the content of the resolutions

There are two key questions you need to ask when unpacking the content of a UN human rights resolution that could be useful for your work:

What does the resolution say about the child rights issue you are working on?

Resolutions vary in their aims and content:

- Be aware that some resolutions contain both progressive and regressive language: don't assume that all UN human rights resolutions necessarily advance human rights.
 Use your critical thinking, and if something seems regressive or contrary to international standards, unfortunately, that may well be the case.
- Several resolutions are limited to creating or renewing UN mechanisms (e.g. special procedures, working groups, groups of experts, commissions of inquiry), in which case there may be little, if any, relevant content targeting States' action.
- Many resolutions provide substantial content but use general terms: you can use
 these terms as supporting arguments for lobbying for certain actions from your State
 or to show at least that its conduct does not comply with its obligations, and/or you
 will need to translate them into action-oriented recommendations.

For example, you can use a general recommendation to "provide a safe and empowering context for initiatives organized by young people and children to defend human rights relating to the environment" (OP14 (e) of 2019 UNHRC resolution A/HRC/RES/40/11) to advocate for the creation of a State budget dedicated to support child-led initiatives to defend human rights relating to the environment or for regulations enabling children to demonstrate to defend such rights during school time.

 Some provide recommendations, including some SMART (Specific, Measurable, Attainable, Relevant and Time-based) language that is almost directly actionable.

See, for example, the recommendation to "take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour and to end child labour in all its forms, by 2025 at the latest", see OP18 of 2021 UNGA resolution A/RES/76/147.

TIP: Don't get lost in resolutions!

- Using a resolution does not mean that you need to use it in its entirety or even make sense of it as a whole: identify and extract what is useful for your work and leave the rest.
- If a resolution only repeats existing standards, don't bother with it and use the international standards instead.
- If you find language that seems regressive compared to international standards,
 like the Convention on the Rights of the Child, leave that part out.

How authoritative is it for your State, and how committed might it be to its implementation?

It is important that you identify and understand the position your State has taken on the resolution(s) you are about to use to help assess its political influence and to frame your advocacy requests.

To do so, you will need to get the following information:

Did your State support this resolution or express a specific position on it during its negotiation and adoption?

- Your State was the main sponsor or a member of the core group initiating the resolution.
 - Its political commitment to the issue and content of the resolution is extremely strong.
- Your State co-sponsored the resolution before, during or after the adoption of the resolution (after is mainly at the HRC).
 - This is a strong signal of its political commitment to the issue and knowledge of the content of the resolution.
- Your State took no particular role during the negotiations nor in the adoption of the resolution.
 - This does not necessarily mean that it doesn't support the resolution.

TIP: Reach out to <u>Child Rights Connect</u>, an NGO which monitors all HRC sessions, and to the <u>Universal Rights Group</u> or <u>ISHR</u>, NGOs which monitor all UNGA sessions, and ask them if your State followed the negotiations and said something. You can also reach out to your Ministry of Foreign Affairs and ask if they have a specific position on this resolution.

Be aware that in the case of HRC resolutions, if your State was not a member of the HRC at the time of adoption of the resolution, you may not know its position on the resolution unless they co-sponsored the resolution. If your State was neither a member nor a co-sponsor, if you know that your State tends to have a similar political stance to an HRC Member State, you can also check that Member State's position. You may also want to check what other types of resolutions your State has co-sponsored to get a sense of its priorities in general here.

- Your State engaged in the negotiations of the resolution to delete specific language or even explicitly opposed the resolution during the negotiations or adoption (i.e. by introducing an amendment or voting against it).
 - To understand if your State might still be open and receptive to discussing the resolution or not, you can look into the following:
 - What proposals did it make during the negotiation stage?

- o Did it propose an amendment to add or delete certain paragraphs that would substantially weaken the text during the adoption?
- o Did it abstain or vote against the resolution during the adoption?
- o Did it express a hostile or oppositional position at the adoption of the resolution, either through an explanation of position (EOP) expressed before the adoption or via an explanation of vote (EOV) after the adoption? (See Annex 2.) States often take the opportunity before or after the adoption of a resolution to explain and put their exact position on record. They may use this opportunity to dissociate themselves from the resolution as a whole or one or more of its paragraphs, meaning that they don't agree with them or consider they don't apply to them.

Prior to the vote on the UNGA resolution recognising the universal human right to a clean, healthy and sustainable environment (A/RES/76/300) adopted on 28 July 2022, several States made statements to explain their vote and some States, like New Zealand and the United Kingdom, used this opportunity to state that the resolution was a non-binding political text that could not replace international law.

Was the resolution adopted by consensus or by vote?4

- Resolutions are usually adopted by consensus (or, technically speaking, "without a vote")⁵ unless Member States request a vote. A vote can be called on a particular paragraph or on the resolution in its entirety. To date, the recurrent HRC and UNGA child rights resolutions have always been adopted by consensus.
- Consensus is not the same as being unanimous. A resolution may be adopted by consensus even though some Member States may have reservations about parts of it. It just means that there was nothing in the resolution so disagreeable that the State could not join the consensus, but it may nevertheless not agree on every single word or paragraph.

⁴ For more details on the adoption process of UNHRC resolutions, see "The Human Rights Council. A practical guide", Permanent Mission of Switzerland to the United Nations Office and to the other international organisations in Geneva, 2015, pp. 22-23. For UNGA resolutions, see "The GA Handbook. A practical guide to the United Nations General Assembly", 2nd edition, 2017, pp. 52-60

⁵ Approximately two thirds of HRC resolutions are adopted this way.

- Resolutions adopted by consensus generally carry more political weight than
 resolutions adopted by vote. But a resolution adopted by vote won't be less important
 if your State supported it or voted in its favour.
- If the resolution you are interested in was adopted by vote, it would be important to know which States voted in favour, which voted against and which abstained (to find this information, see Annex 2).

TIP: Whether your State formally supported the resolution at the UNGA or HRC or not, you can most often make use of its content in your work through advocacy or other activities where it could be relevant (see below).

STEP 3. Take action on resolutions

There are three main types of actions that you can take based on UN human rights resolutions.

Note: These are only suggested actions. They are not compulsory nor exhaustive – the activities you decide to undertake will depend on what you want to achieve, your local and national contexts, available resources and any upcoming opportunities to strengthen children's rights. You can also choose to follow a different chronological order or to only undertake one or some of them.

TIP: Collaborate to increase impact. Consider collective action or shared action to support your work. To that end, you may want to reach out to children, child rights and human rights civil society actors and coalitions, the human rights/child rights ombudsperson and/or the national human rights institution, if there is one in your country, and the UNICEF national/regional office, and/or even the New York or Geneva office.

Don't forget to reach out to other civil society organisations that may not focus on children's rights but may contribute with other areas of expertise (such as environmental issues, labour issues, business, etc.).

To help you map key partners, check our guide <u>How to Advance Children's Rights using</u>
Recommendations from <u>UN and Regional Human Rights Monitoring and Review Processes</u>

Communicate and raise awareness about the resolution

States rarely disseminate UN human rights resolutions at the national level: relevant ministries or parliamentary commissions may not know about them, and the commitments in the resolutions may not be reflected in national legislation and policies.

Disseminate the resolution (or its key parts) to parliamentarians and government
officials at the local and national levels (see <u>Template 1: Email to disseminate</u>
<u>information about the adoption of a resolution</u>) and to civil society, the media, the
general public and to other relevant stakeholders such as national human rights
institution, lawyers, trade unions, etc.

Focus on actors with the legal obligation and power to put their recommendations into practice or otherwise support this process.

TIP: When sharing the resolution, focus on its most relevant parts and always accompany it with a text explaining what it is and how useful it can be.

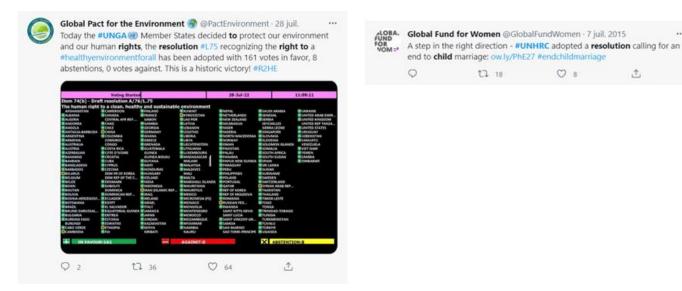
It is important to raise awareness not only about the content of the resolution, but also its weight. Remind State officials and other stakeholders you work with that resolutions represent the collective view of the international community on issues affecting children, grounded in general on international human rights law and standards and providing helpful practical and actionable policy recommendations for governments.

- Encourage your government to disseminate the resolution to the media and relevant stakeholders.
- Consider simplifying the text to make it accessible to all, including children, and translate it into national or local language(s) if necessary. You may also ask your State or UN agencies to do so.

See, for example, the <u>simplified version of the 2019 UNGA resolution</u> on the rights of the child focusing on children without parental care A/RES/74/133 developed by SOS Childrens' Villages International, a <u>child-friendly summary of the UNHRC Resolution on "realising the rights of the child through a healthy environment or a <u>child-friendly version of the UNHRC resolution on "towards better investment in the rights of the child"</u>.</u>

For further guidance on how to write child-friendly documents, see guidance here.

- You can create specific communication tools and opportunities through:
 - the media, social media and website (e.g. posting dialogues with politicians such as parliamentarians or local authorities, schools and universities, etc.).



 Or use ongoing communications, such as speeches, research and publications,⁶ other communication and campaign or advocacy materials.

NOTE: All UN resolutions are translated and published in the six official languages of the UN, namely Arabic, Chinese, English, French, Russian and Spanish.

⁶ See, for instance, the report <u>Born into the Climate Crisis</u>: <u>Why we must act now to secure children's rights | Save the Children's Resource Centre</u>, which refers to UNHRC resolution A/RES/HRC/45/30 and makes a recommendation about its implementation.

Child Identity Protection and the Institute on Statelessness and Inclusion organised a Symposium on a child's right to identity in emergency settings (online and in-person meeting) which looked into the implementation of the 2022 HRC resolution on the rights of the child on family reunification.



Use the resolution in your advocacy

TIP: Have a complete "backpack": engage in integrated follow-up!

Strengthen your work on UN human rights resolutions by looking at the UN human rights recommendations that were specifically made to your State on similar issues. This will give you a more comprehensive and updated overview of your State's obligations and make your work more effective.

Check our guide <u>How to Advance Children's Rights using Recommendations from UN and Regional Human Rights Monitoring and Review Processes</u> for more information on how to do this.

Design a specific advocacy plan and timeframe based on the resolution:

- Identify the recommendations of the resolution you want to see implemented by your State and translate them into action-oriented steps.
- Include the different milestones for each of those steps. Reflect on how these
 could be achieved effectively and equitably, i.e. by ensuring that those most
 impacted by inequality and discrimination can also benefit from the
 recommendation.
- Use key dates and events that matter for your country as hooks to call for action (e.g., World Children's Day, elections, parliamentary sessions, etc.).
- Analyse and identify the key targets, facilitators, allies and opponents for your advocacy actions (see <u>guide How to Advance Children's Rights using Recommendations from UN and Regional Human Rights Monitoring and Review Processes</u> for additional help on how to do this).

TIP: The core group/main sponsor and co-sponsors of the resolution could be strategic allies to help you advance the topic(s) of the resolution(s) in your country through their embassies or the recommendations they can make to your country.

- Engage in a dialogue to discuss spaces and ways in which they could support
 your efforts to advance the resolution(s). These could include State-to-State
 dialogue with your governments, joint advocacy with them to inform donor
 aid priorities and targets, silent diplomacy and other opportunities for a
 dialogue with your State.
- Initiate a dialogue with and offer support to your State to set up an action plan to implement the resolutions.
- Use the relevant parts of the resolution to inform your inputs to national law, policy and budgetary reforms. For instance:
 - As evidence of the existence of a "new" human right; or

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⁷ See, for example, how "protection from child, early and forced marriage" became a human rights term following resolutions from the UNGA and UNHRC in: Emilie Lowe, Nicole Kharoufeh, Belle McKinley, Ellen McDonald, Phillip Alphonse, Rania Boustani, Miriam Milivojevic and Ryan Ferguson, "The Development of Global Responses to Child, Early and Forced Marriages. A global scoping paper prepared for the HAQ Centre for child rights", Macquarie University, 2017, pp. 28-42, accessible here (in English only),

As a tool to aid the interpretation of international obligations accepted by your
 State and/or national laws and policies⁸ in addition to existing general comments of UN treaty bodies, as relevant.

TIP: If the resolution only recalls existing binding international standards, use those standards as the basis of your advocacy, not the resolution.

 Use the resolution(s) to support your arguments in litigation and strategic litigation processes at national, regional and international levels.

The Civil Association for Equality and Justice (ACIJ) used the Abidjan Principles recognised in HRC resolution A/HRC/RES/41/16 for its arguments as part of a lawsuit in Argentina on inclusion in pre-primary schools. ACIJ has been taking action regarding the State's obligation to control and monitor the compliance of private actors with regard to the right to inclusive education in the city of Buenos Aires. The ruling was upheld by the Appeals Chamber through a well-founded verdict based on international standards and obligations regarding the right to education, equality and non-discrimination.

The International Service for Human Rights used HRC resolutions, including resolution A/HRC/RES/32/2 on "Protection against violence and discrimination based on sexual orientation and gender identity", and UNGA resolution A/RES/53/144, which adopted the "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms" to support its amicus curiae brief in the case of Sasha Maimi Krikkerik vs the Russian Federation before the UN Human Rights Committee.

⁸ See, for example, UNHRC resolution <u>A/HRC/RES/29/7</u> on "The right to education", which urges States to regulate and monitor private education provides. For a detailed explanation of the advances it provides with regard to the understanding of the right to education, see the <u>press release</u>.

- Use the resolution to give rise to new UN human rights recommendations specifically made for your State:
 - You can refer to the content of a resolution or suggest a recommendation calling for the implementation of the resolution in your stakeholder submission that feeds into your State's <u>Universal Periodic Review</u> process and/or lobby States to make that recommendation. (<u>See guide on how to engage in the UPR process</u>)
 - You could include a reference to the resolution in your complementary report (also called "alternative" report) to UN treaty bodies before the review of your State and advocate for it to become a UN treaty body recommendation.

Brazil recommended that Croatia "strengthen policies on the rights of the child, with attention to the Guidelines for the Alternative Care of Children, according to Human Rights Council resolution 11-7 and General Assembly resolution 64-142". This recommendation was supported by Croatia (see A/HRC/16/13, para. 97).

For more information on these processes, see our guide <u>How to Advance Children's Rights</u> <u>using Recommendations from UN and Regional Human Rights Monitoring and Review</u> <u>Processes.</u>

Monitor the implementation of the resolution(s) on a regular and continuous basis

- Ask your government which departments, officials and civil servants at national and local levels – have the responsibility for implementing the recommendations of the resolution and the specific measures and timeframe they propose to achieve this (see <u>Template 2: Letter for outreach to State officials to follow up on a resolution</u>).
- Document and track your State's progress or setbacks, including the lack of action or actions contrary to the resolution (see the case study on Mecanismo para Nicaragua).
- If the resolution makes recommendations to UN entities, such as UN special procedures or the Office of the United Nations High Commission for Human Rights (OHCHR), reach out to them to follow up on how they are implementing these recommendations and offer them information and/or data from the ground if you can.

 If the resolution requests a report from a UN entity, such as UN Special Procedures or OHCHR, there will be a call for submissions to civil society actors. Check the webpage of the UN entity concerned: the contact information to submit inputs will be published there.

See, for instance, UNHRC resolution 45/30, which "Encourages the special procedures and other human rights mechanisms of the Human Rights Council to continue to integrate a child rights perspective while implementing their mandates, and to include in their reports information, qualitative analysis and recommendations on the rights of the child, paying attention to the adverse impact of environmental harm on the full enjoyment of those rights".

In order to monitor progress on these recommendations and others included in this resolution, see the guidance <u>How to Support the Implementation of United Nations</u>
<u>Resolution 'Realising Children's Rights through a Healthy Environment'</u> and use its <u>template to help track your follow-up actions (Annex A)</u>.

This offers you an opportunity – where the political context allows it – to denounce the gaps in human rights protection in your country and increase the pressure on your State to make improvements.

Indeed, States may check if other stakeholders are sending information to the UN about them. You can use this as a strategy and inform them about your submission beforehand. This could encourage your State to enter into a dialogue with you about it and engage in action before the issue is discussed at the UN again.

TIP: If the resolution does not request a report but mentions that the issue will be discussed again at the UNGA/HRC (this is usually specified at the end of the resolution by the phrase "remains seized of the matter"), there may also be a possibility for you to share information on implementation from the ground. When this is the case, a call for submissions is usually published on the OHCHR website several months – or even a year – before the issue comes back before the UNGA/HRC.

However, if you are concerned that sending information to the UN may result in reprisals, do not put yourself in danger and contact <u>Child Rights Connect</u> to discuss the best and safest way for you to engage in international advocacy.

• Implement the recommendations of the resolution addressed to civil society actors and inform your State about it.

TIP: Use the resolution(s) you are working on for fundraising purposes.

You can also refer to the resolution(s)'s content to inform funding proposals and influence institutional donors' priorities.

States which have co-sponsored the resolution(s) may be willing to fund activities relating to their implementation. Contact their embassies in your country to present your work and find out if funding could be available.

Who to contact at the UN

For general queries regarding UN bodies/agencies based in Geneva, you can contact their focal point for NGOs/civil society actors:

- For queries relating to the HRC, you can contact the OHCHR civil society team
 at: ohchr-hrcngo@un.org
- For queries relating to HRC mechanisms (Universal Periodic Review, special procedures, etc.), you can contact: ohchr-mechanismsngo@un.org

You can get the full list of focal points in Geneva here.

For general queries regarding the UNGA:

- For general matters relating to NGOs' engagement at the UNGA, you can get in touch with the <u>UN Non-Governmental Liaison Service</u> (UN-NGLS) at: ngls@un.org, and/or
- For matters relating to issues being discussed by the Third Committee of the UNGA, you can contact the <u>Third Committee Secretariat</u>.

Step 3 on *Taking action on UN human rights resolutions* is complemented by <u>two case studies</u> which demonstrate how coalitions of CSOs have utilised resolutions to advance children's rights.

Case studies

CASE STUDY 1 – Following up on the implementation of a country resolution: the case of Nicaragua.

Mecanismo para Nicaragua, a coalition of 21 Nicaraguan, regional and international civil society organisations, was set up specifically to monitor the implementation of the 14 recommendations addressed to the Nicaraguan government in HRC resolution 46/2 regarding the human rights violations committed since April 2018.

They developed three evaluation benchmarks, providing for each recommendation specific indicators and information on: 1) State actions, 2) lack of action and 3) actions contrary to the

EVALUATION BENCHMARK - RESOLUTION 46/2 of the United Nations Human Rights Council on the situation in Nicarag

(OP2) Urges the Government to publicly condemn and ensure accountability for any attacks or acts of intimidation (against human rights defenders) and to take measures to ensure a safe and enabling environment for the abovementioned persons to carry out their work freely.

INDICATORS

- Number of public condemnations by the government.
- Number of trials by independent and importial tribunals.
- Measures taken (including legislative, judicial, administrative, or other measures).

LACK OF ACTION

- No public conde nations by the government.
- · No fair trial.

ACTIONS CONTRARY TO THE RECOMMENDATION

- Between 22 June and 6 September, the OHCHR documented the arbitrary detention of 16
- services 22 Jame less a September Immediately continents are notativity operation of a gaspile, including political leaders, human rights defenders, business people, journalists, and peasant and student leaders, in addition to 20 others detained since 28 May.
 Application of legislation that rurs contrary to human rights. For example, the human rights defender Maria Oviedo, a member of the Permanent Commission on Human Rights and a beneficiary of provisional measures granted by the Inter-American Court of Human Rights, was detained on July 29 under Law 1055, "Law for the defense of the people's rights to Independence, sowershipty, and self-determination," (IACSIR, July 50) ndependence, sovereignty, and self-determination." (IACHR, July 30)
- The detention of Amount Rutz, human rights defender and President of the Del Rio Foundation, for supposedly spreading 'false news' under the Special Law on Cybercrimes (charges presented on September 8) after she used social media to denounce attacks on indige mmunities. (IACHR, Sept 15)
- Allegations of arbitrary detention and physical violence against Francys Valdivia Machado and other members of the Mothers of April Association in the city of Esteli. Detentions, harassment, and harmful declarations by government officials against members of the van Center for Human Rights (CENIDH). (Joint Statement by UN Special Rapporteurs June 25)

LEVEL OF IMPLEMENTATION Y NOT IMPLEMENTED

Analysis of the government's implementation of Recommendation 1 (OP2, A/HRC/RES/46/2), extracted from Evaluation Benchmark I of Mecanismo para Nicaragua.

recommendation to assess whether the State had implemented each recommendation or not.9

To monitor the level of implementation of these indicators, the coalition used publicly available information from the UN, Inter-American human rights bodies and civil society reports or press reports.

Based on the information and evidence they collected, they concluded that the Nicaraguan government had failed to implement any of the benchmarks based on the 14 recommendations of the HRC and even acted contrary to the recommendations on several occasions.

The coalition then presented the benchmarks and their conclusions, together with allied diplomatic missions and the core group of States behind HRC resolution 46/2 to other diplomatic

⁹ See the three evaluation benchmarks here: https://en.mecanismoparanicaragua.org/marcodeevaluacion;

missions in private briefings during the 47th, 48th and 49th HRC sessions (June 2021 to April 2022).

Creating benchmarks based on the HRC recommendations was key to assessing and providing evidence on how they were – or weren't – implemented.

Thanks to this evidence, *Mecanismo para Nicaragua* was able to engage in an effective dialogue with <u>middle-ground States</u> in Geneva (where the HRC is) while launching at the same time a strong <u>public campaign</u> on social media and through media outlets. These materials, as well as other key information, such as reports, previous HRC resolutions and key moments for advocacy, were accessible through the coalition's <u>webpage</u>.

This coordination was paramount to push the core group to propose a new and stronger draft resolution, including the establishment of an accountability mechanism, and to convince the key middle-ground states to support the resolution.

The coalition also looked for support from Geneva-based NGOs, such as Human Rights Watch, Amnesty International and CIVICUS, which in turn aligned their messages to the coalition's demands when talking to diplomatic missions.

In 2022, thanks to all this preliminary work and effective coordination, *Mecanismo para Nicaragua* successfully got the HRC to adopt resolution 49/3, which established, for one year, a group of human rights experts on Nicaragua to investigate alleged human rights violations and abuses since April 2018; establish the facts surrounding the alleged violations and abuses; collect and analyse information and evidence; and make additional recommendations as appropriate.

CASE STUDY 2 - Influencing national laws and policy with the UNHRC resolution *Towards better investment in the rights of the child*. 10

In 2013, a coalition of international and regional child rights organisations and networks, notably Save the Children, the Latin American and Caribbean Network for the Defence of the Rights of the Child, Plan International and UNICEF, was created as a Child Rights Connect Working Group to strengthen States' investment in children (Working Group).

One of the strategic goals of the Working Group was to influence the HRC to get a resolution on investment in children. They were successful in 2015 with the adoption of HRC resolution A/HRC/RES/28/19 entitled *Rights of the child: towards better investment in the rights of the child by* consensus on 27 March 2015, with 79 States as co-sponsors from all regions of the world.

This was the first-ever UN human rights resolution on this topic, setting a rights-based approach to resource mobilisation, budget allocation and spending to realise children's rights within frameworks of transparent, participatory and accountable governance.

The resolution's guidance was substantially based on the recommendations from OHCHR report A/HRC/28/33, requested in a previous resolution of the HRC, ¹¹ which set out the obligations of States to invest adequately in the rights of children, in accordance with the UN Convention on the Rights of the Child, and also included examples of good practices. The Working Group was also able to influence the content of the OHCHR report through written submissions. Consequently, the Government of Sri Lanka decided to consult different stakeholders, including civil society actors, and subsequently adopted *the National Agenda on Child Rights Governance* with a clear commitment to increasing investment in children.

A second report, A/HRC/31/33, was prepared by OHCHR as a follow-up to this issue and provided further examples of good practice showing that "States at all stages of economic development can fulfil their obligations under the Convention on the Rights of the Child to invest adequately, effectively and equitably in the rights of children".¹²

¹⁰ For more information on this case study, see the report "Impact story: Save the Children's advocacy for investment in children at the UN Human Rights Council", accessible at

https://resourcecentre.savethechildren.net/pdf/hrc_impact_story.pdf/.

¹¹ See UNHRC resolution <u>A/HRC/RES/25/6</u>, OP24.

¹² See follow-up report on investment in children's rights OHCHR report <u>A/HRC/31/33</u>, 15 December 2015, para. 3.

Other outputs directly linked to HRC resolution A/HRC/RES/28/19 include a <u>Parliamentary</u> <u>Guide on How to Assess Child-friendliness of National Government Budgets</u>, developed by UNICEF and the Parliament of Malawi.

In addition to pushing for an HRC resolution, the Working Group supported the UN Committee on the Rights of the Child to develop, finalise and raise awareness of its <u>General Comment No.19 on public budgeting for the realisation of children's rights</u>, which constitutes a direct and official interpretation of the Convention on the Rights of the Child, thus advancing children's rights in this area.

Bibliography and other resources

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"Impact story: Save the Children's advocacy for investment in children at the UN Human Rights Council", accessible at https://resourcecentre.savethechildren.net/pdf/hrc_impact_story.pdf/.

What is? An Omnibus Resolution, Save the Children's Resource Centre

ISHR Academy, Resolutions – Why are they useful?

<u>UN Human Rights Council Resolution: "Toward better investment in the rights of the child" |</u>
Save the Children's Resource Centre

How To Write a Child-Friendly Document | Save the Children's Resource Centre

How to Advance Children's Rights using Recommendations from United Nations and Regional Human Rights Monitoring and Review Processes | Save the Children's Resource Centre

How to Support the Implementation of United Nations Resolution "Realising Children's Rights through a Healthy Environment" | Save the Children's Resource Centre

Contact and document details

If you want to know more or suggest improvements to the tool, you are welcome to contact: howtochildrights@rb.se

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