Working methods to deal with individual communications received under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure[1]

A. General issues

1. These working methods are developed on the basis of the provisions contained in the Rules of procedure under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OPIC RoP)[2].
2. The Committee will develop Guidelines on the protection policy adopted by the Committee for children who submit communications or are the alleged victims in communications submitted on their behalf.
3. Upon registration of a communication or at any time during the procedure the Committee may take measures, in conformity with article 4, paragraph 1 of the Optional Protocol and rule 4 of the OPIC RoP, urging the State party concerned to ensure the integrity and security of the children who are the authors and/or the alleged victims in the communication.

B. Working Group on communications

4. Under rule 6 of OPIC RoP, the Committee will establish a Working Group to make recommendations to the Committee and to assist it in any manner in which the Committee may decide.
5. The Working Group will be composed of up to nine members. The biannual rotation of four/five of its members is encouraged.
6. Working Group members will elect their chair every two years, who will coordinate Working Group meetings and represent the Working Group at OPIC activities.
7. When the Committee is not in session, members of the Working Group will make themselves available to deal with matters related to communications, to the extent possible.

C. Correspondence received by the Secretariat

8. The Secretariat (Petitions Section) will keep a file with all existing correspondence on matters related to the Optional Protocol, for the Committee's reference and consultation.
9. In order to apply the appropriate procedure to newly submitted communications, as indicated below, the Secretariat will check that the date of

[1] These working methods were adopted by the Committee on the Rights of the Child on 2 October 2015 and revised on 2 June 2017, 4 June 2021, 31 January 2023 and 26 January 2024.
[2] (CRC/C/62/3)

birth of the author(s)/alleged victim(s) is indicated in the submission. If the date is not indicated, the Secretariat will ask the author(s) to provide it.

10. As a general rule, initial communications and any further observations and comments from both parties to a registered cases should not exceed 10,000 words.

D. Communications submitted by children

11. All communications received under the Optional Protocol submitted by children will be forwarded without delay by the Secretariat (Petitions Section) to the Committee's Working Group on Communications, including those that seem to be clearly *prima-facie* inadmissible.

12. The Petitions Section will transmit those communications to the Working Group in the original language.

13. The Petitions Section will confirm receipt of these communications to the author/s as soon as possible, within maximum two weeks.

14. Responses to letters received from children will be drafted using child-friendly language.

E. Communications submitted by adults

15. Communications received from adults, including representatives of children, should be first screened by the Petitions Section, which can reject those that are *prima-facie* inadmissible, such as anonymous communications, communications that do not concern the CRC or its Optional Protocols, communications against a non-State party or manifestly unfounded communications.

16. When examining communications submitted by representatives of children, the Working Group on communications will examine whether there are reasons to believe that the child(ren) is/are subject to improper pressure or inducement by those acting on her/his/their behalf.

F. Friendly settlements

17. The Committee may provide its good offices for a friendly settlement if requested by either of the parties. The Committee may also offer the parties a friendly settlement if it is deemed necessary and appropriate, at its own initiative or at the initiative of the Working Group.

18. Negotiations to facilitate a friendly settlement can be conducted by the Working Group. The Working Group will make recommendations to the Committee, who will take a decision regarding acceptance of the settlement, in conformity with rule 25 OPIC RoP.

G. Third party interventions

19. Pursuant to Rule 23 of the Committee's OPIC RoP, the Committee or its Working Group may consult or receive relevant written information and/or documentation emanating from third parties, which may assist in the examination of a communication. To that effect, a list of cases pending consideration by the Committee will be published on the Committee's website, including a short summary of the subject matter and articles of the Convention invoked.

20. The Working Group will decide whether it accepts specific third-party submissions. If accepted, these submissions shall be forwarded to both parties, who will be offered the possibility of submitting written comments in reply, within a fixed time-limit.

21. Individuals or entities that are third-parties shall not be considered parties to the communication.

22. Decisions concerning third party interventions will be guided by the Committee's Guidelines on Third party interventions under the OPIC, adopted at its 83rd session.

H. Functioning of the Working Group

23. The decision to declare a communication admissible may be taken by the Working Group provided that all its members so agree.

24. The Working group may declare a communication inadmissible provided that all its members so decide. Its decision is to be transmitted to the Committee plenary, which may confirm it without formal discussion, unless a Committee member requests such discussion.

25. The Working Group will take all decisions on procedural issues until a case is ready to be examined by the Committee in plenary. This includes decisions on registration of cases, interim measures, split (consideration of admissibility separately from the merits), and requests for suspension of cases.

26. The Working Group will adopt its decisions by majority, except for decisions on interim measures, which shall be adopted by at least three members of the Working Group.

27. Requests for interim measures should be received at least three working days in advance of the moment when the harm or the risk thereof will materialise (such as the deportation or eviction date). The Working Group on communications will decide on such requests as soon as possible. In urgent cases where the required

quorum has not been obtained from the Working Group, the Petitions Section will contact the Chair of the Working Group for an executive decision, and the rest of the Working Group members will be informed accordingly. The Working Group bases its decisions on interim measures on its "Guidelines for Interim measures under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure". [3]

28. Pursuant to Rule 18 (1) of the Committee's Rules of procedure on the Optional Protocol, the Working Group may decide to register a communication without transmitting it to the State party for observations. In such cases, the Working Group will propose to the plenary, as soon as possible, an inadmissibility draft decision, for its final adoption.

29. Pursuant to Rule 18(4) of its Rules of procedure on the Optional Protocol, the Working Group may register a communication and transmit it to the State party concerned with a request that it provide observations on the issue of admissibility only. In these cases, the Working Group will, as soon as possible and after having received the author(s)' comments on the State party's observations on admissibility, propose to the plenary a decision on the admissibility of the communication in question.

30. In all other cases, the Working Group will, upon registering a communication, transmit it to the State party concerned with a request that it provide observations on both the admissibility and merits of the communication within six months.

31. For each registered communication the Working Group chair will appoint one or two of the Working Group members to act as case rapporteur, in consultation with Working Group members. The case rapporteur(s) will examine all information contained in the case file, carry out the necessary research and propose to the Working Group the course of action that s(he) considers appropriate, including recommendations on admissibility and merits. Drafts on admissibility and merits approved by the case rapporteur will be transmitted to the other members of the Working Group, between sessions, for information and comments. Where relevant, the Working Group may also appoint a Committee member who is not part of the Working Group to provide technical assistance to the case rapporteur.

[3] Adopted by the Committee at its 80th session.

32. The Working Group will examine the draft submitted by the case rapporteur as well as any additional information at its disposal and submit proposals and recommendations on the draft to the case rapporteur.

33. On the basis of the comments received from members of the Working Group, the case rapporteur will prepare a consolidated draft decision on admissibility and merits in order to reach consensus on a recommendation to be addressed to the Committee. If consensus is not reached, the decision will be taken by majority of the Working Group members.

34. In conformity with rule 10 OPIC RoP, the Working Group may decide to consult with independent experts in order to obtain information which may be relevant for the examination of a communication. The Working Group may also consult with Committee members who may have relevant experience on the specific country or thematic issue concerned.

I. Oral hearings

35. Pursuant to Rule 19 OPIC RoP, "the Committee may decide to invite the author(s) and/or alleged victims(s) as well as representatives of the State party concerned in order to provide, in person or by way of videoconference, further clarifications or to answer questions referring to the admissibility or merits of the case".

36. Decisions concerning oral hearings will be guided by the Committee's Guidelines on oral hearings.[4]

J. Lack of cooperation from the parties

37. In the absence of a response by one of the parties in a case within the established deadline, the Petitions Section will send one reminder. In the absence of response by the State party following this reminder, the Committee may decide on the case in the absence of information from the State party. In the absence of response by the author(s) of the communication after a reminder, the Committee will discontinue the case.

38. In case of procedural decisions pertaining to the Working Group on communications, no reminders will be sent to the parties, after which the Working Group will decide in the absence of information.

K. Decisions

39. The draft decision adopted by the Working Group will be submitted to the Committee for discussion and final adoption in plenary. To that effect, the draft

[4] Adopted by the Committee at its 87th session.

decision shall be made available to all Committee members in the Committee's working languages at least one week before the date of discussion.

40. When examining the Working Group's draft decision, the Committee can decide to seek additional information from independent experts, UN documentation and other sources as established under OPIC and rule 10 OPIC RoP.

41. In order to implement rule 27 of the Rules of Procedures, the case rapporteur and the Working Group in general will ensure that the language of decisions on individual communications is adapted to the age and maturity of the alleged victims, in particular if these are not represented by an adult.

42. In line with the Guidelines on the independence and impartiality of members of the human rights treaty bodies ("the Addis Ababa guidelines"), Committee members shall not participate in any aspect of the consideration of the communications if: a) the State of which they are nationals is a party to the case; b) if the member has any personal interest in the case; or c) if the member has participated in any capacity in the making of any decision on the case covered by the communication.

43. The Committee shall endeavour to reach its decisions by consensus. If all efforts to reach consensus have been exhausted, decisions shall be taken by a simple majority of the members present and voting. Any Committee member who has participated in the discussion of a decision may indicate, before such decision is adopted, that he/she reserves their right to submit an individual (concurring/dissenting) opinion under Rule 24 of the OPIC RoP.

L. Follow up to Views and friendly settlement agreements

44. The implementation of the recommendations contained in Views where the Committee found that violations of the Convention or the Optional Protocols had taken place, or in agreements reached by a friendly settlement will be monitored by the designated Rapporteur(s) on Follow-up to Views.

45. The Rapporteur(s) on Follow-up to Views will inform the plenary of the progress made by State parties on implementation, based on the information received by both parties, and propose the appropriate course of action. This information will be contained in a Follow-up progress report on individual communications, which will be adopted by the plenary and made public. The report will include the Committee's assessment of the degree of compliance with the Committee's views (compliance, partial compliance, non-compliance and no cooperation), as well as the Committee's decision to maintain, close or suspend the follow-up dialogue. This decision will be communicated to the parties in each case.

46. Any written submission from the parties under the procedure of Follow up to Views should not exceed 3,500 words.

47. In the context of the follow-up dialogue, the Rapporteur(s) on Follow-up to Views may request a meeting with the State party in order to seek further information or clarifications on the measures taken to implement the Views.