CHAPTER THREE

THE STRUCTURE OF THE CRC COMMITTEE

1. The Birth of the CRC Committee

6. By virtue of Article 43(1) of the Convention, the CRC Committee was installed to assess the progress made by the States regarding the fulfilment of their obligations.

7. The Travaux Préparatoires of the Convention show that not every country gave its downright approval to develop a separate Committee on children’s rights. A lot of countries were aware of the problems that are implied by an increase in the number of control organs within the United Nations, such as financial implications, problems due to vagueness and overlaps, strains put on national administrations etc. It was the Belgian delegate who suggested leaving the monitoring of the implementation of the CRC to the existing Committees. He more specifically meant the monitoring organs of the two Covenants of 1966. Poland suggested to have the reports examined by a ‘Group of Governmental Experts’, founded by the Economic and Social Council. However, neither proposal was adopted. Instead, the foundation of a separate Committee on children’s rights was finally opted for. The argument that no UN-body has an overall view on the rights of the child has had a decisive influence on the discussion. Hence, the CRC Committee

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21 Ibid., p. 555.
22 The Polish proposal was formulated as follows: ‘1. Reports submitted by the States Parties to the present Convention under Article 22 shall be considered by the Economic and Social Council, which may bring its observations and suggestions to the attention of the State Party concerned and of the General Assembly of the United Nations. The Council may also request a State Party to submit additional reports on specific issues relating to this Convention. To assist it in its task, the Economic and Social Council shall establish a Group of Governmental Experts entrusted with the responsibility of examining the reports submitted by States Parties. . . .’: S. Detrick (ed.), The United Nations Convention on the Rights of the Child: A Guide to the “Travaux Préparatoires”, o.c. (note 20), p. 552.
23 One representative expressed her belief that neither in the United Nations system nor among the non-governmental international organisations was there at present a legal entity which had an overall view of the rights of the child: it therefore believed that if it proved
was established and is financed through the UN-budget.\textsuperscript{24} The members of the Committee receive emoluments from the UN resources\textsuperscript{25} and they are being supported by the CRC Secretariat in Geneva, consisting of UN staff and facilities.\textsuperscript{26}

8. As far as the kind of the procedure is concerned, the drafters of the CRC clearly opted for a monitoring mechanism, based on a reporting obligation for the States and excluded the development of a complaints procedure.\textsuperscript{27} They did not consider it appropriate to develop a chastising and reprimanding control system. The stances taken by the NGOs, organised in an Ad Hoc Group, had a lot to do with this. The NGO Ad Hoc Group indeed wished to create a ‘positive atmosphere’ surrounding implementation. The monitoring system had to be based on the idea of constructive continuous dialogue, mutual help, support and cooperation.\textsuperscript{28} The CRC Committee that was founded for this purpose consequently does not only act in a controlling but also in an advising way.\textsuperscript{29}

possible to establish a committee of specialists in this branch of the law, with expert knowledge of the serious problems that affect childhood today and with moral and legal authority to approach any governmental or private international agency to draw attention to the shortcomings in respect of children in the area of their different specialities (...), such a committee could be of considerable benefit to children and young people, in other words, minors:


\textsuperscript{24} A lot of discussion on the manner of financing has arisen in the course of the \textit{Travaux Préparatoires}. Some countries, such as the United Kingdom and the United States of America, advocated financing by contributions made by the several States Parties. Other countries in their turn adhered to financing by the UN. This is why paragraph 12 of Article 43 has remained between square brackets for a long time. Financing via the budget of the United Nations was finally opted for.

\textsuperscript{25} Article 43(12) of the CRC.

\textsuperscript{26} Article 43(11) of the CRC.


\textsuperscript{29} The dynamic character of the monitoring system of the Convention was stressed more than once during the \textit{Travaux Préparatoires}. \textit{E.g.:} originally, there were two proposals regarding