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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the General Research Institute on the Convention on the Rights of the Child, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 August 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Proposal for the development of guidelines on the protection and promotion of the rights of the child in disaster relief and reconstruction in the light of the lessons learned through the Great East Japan earthquake and the accidents at the Fukushima nuclear power plant

We express our sincere appreciation for the extensive support provided by the United Nations and other intergovernmental organizations, States, NGOs and other actors in the aftermath of the unprecedented damages caused by the Great East Japan Earthquake and the accidents at the Fukushima Nuclear Power Plant.

As a non-governmental organization based in Japan, the General Research Institute for the Convention on the Rights of the Child would like to propose the development of the United Nations guidelines for protecting children's rights during large-scale disasters as well as for respecting them in reconstruction efforts, taking into account the lessons learned through what has happened in Japan in recent months.

Although a large number of children suffer from large-scale disasters in different parts of the world, it often takes time to understand their situation, and it is hard to say that they are provided with support and interventions adapted to their situation. While a variety of support is given to children as well, in most cases, it is not delivered in an appropriate manner to the places in need. We cannot feel at ease by the fact that children seem to have no problems, since they may be suffering from invisible physical and mental damages.

In the process of reconstruction from large-scale disasters, priority is given to the recovery of adults' lives and livelihoods, which would automatically lead, in prevailing views, to the return of children's lives to normalcy. Under these circumstances, children are primarily considered as objects of relief and protection. Children's views are hardly heard in initiatives to support children affected by disasters, many of whom are not in circumstances that allow for the expression of their views. This can be a reflection of part of the problems surrounding children today.

In the provision of support for those affected by large-scale disasters and in the reconstruction of affected areas, it is essential to provide for and support the protection and promotion of children's rights to live and develop in security, including by ensuring safe and secure places for children, providing them with tools and personal relations to enable them to speak out and seek for help in security and guaranteeing their rights to play and education. In this context, it is necessary to consider children as stakeholders and subjects of rights, rather than mere objects of relief and protection, as well as to listen to them and promote their participation. Furthermore, support should be responsive to diverse and individual needs of all children, including children who lost one or both of their parents, girls, children with disabilities, children belonging to ethnic, religious or linguistic minorities, children who are sexual minorities. For these purposes, it is essential to take new legislative measures, including the adoption of rights-based legislation, on the basis of the objectives and purposes of the UN Convention on the Rights of the Child (CRC), a global standard in this area.

Taking into account the views expressed by children, UNICEF, Plan International, Save the Children and World Vision formulated the Children's Charter for disaster risk reduction. The UN Human Rights Council is requested to develop "guidelines on the protection and promotion of the rights of the child in disaster relief and reconstruction" with a view to facilitating relevant initiatives at the international and national levels, referring to the formulation processes and the contents of the Children's Charter and in the light of the

objectives and purposes of international human rights treaties as well as the relevant general comments and recommendations adopted by the treaty bodies.

In this context, the Human Rights Council is requested to pay particular attention to the following points:

1. The basic philosophies should be respect for children's rights in accordance with the objectives and purposes of the CRC, aiming at the realization of children's best interests and the development of child-friendly communities through the provision of support for children and their families, the reconstruction of schools and other facilities and the recovery of communities.
2. The adoption of a fundamental law on the rights of the child should be encouraged as the legal basis, which reflects the objectives and provisions of the CRC, with a view to guaranteeing children's rights in a comprehensive manner and promoting support for children as well as families with children.
3. In order to realize children's rights to live, learn and develop in safety and security, it is particularly necessary:
 - a. To ensure safe and secure places for children;
 - b. To provide children with tools and personal relations to enable them to speak out and seek for help in security; to establish child-specific mechanisms to provide remedies for violations of their rights;
 - c. To secure places for play and learning for children, which would also serve as the basis for providing material and mental support;
 - d. To disclose relevant information in a proactive and child-friendly manner; and,
 - e. To improve conditions of living and learning by reviewing or establishing different standards of safety.
4. Reconstruction plans, including disaster prevention plans, should be developed and implemented, in principle, by listening to children as stakeholders and involving them in reconstruction. These processes should result in the development of systems for children to participate.
5. The proposed guidelines should be developed in cooperation with UNICEF and other international organizations concerned with children as well as relevant NGOs and by listening children through these organizations. National and local governments should make arrangements to increase the efficacy of these initiatives.