

1.2. The International Tribunal for Children's Rights

The Tribunal is best described as a moral court rather than a formal, judicial institution. Although it is concerned with investigating situations in which children's rights are violated, the Tribunal cannot formally incriminate, prosecute or punish those responsible. The judges have no powers beyond those of persuasion on the basis of the conclusions and recommendations they make in their reports.

The Hearings offer an opportunity for public testimony, for sharing experiences and views, in both oral and written form and for monitoring important issues about the rights of children around the world. They aim to:

- Raise the awareness of citizens, governments, organisations and corporations about their responsibilities in light of the principles set forth in the CRC;
- Recommend measures that will insure the well-being and protection of children;
- Encourage co-operation between all members of the international community.

The Hearings have a flexible format within overall guidelines (Appendix D). The Tribunal consists of judges chosen by the Selection Committee of the International Bureau for Children's Rights, who are appointed for the duration of a cycle of Hearings, including production of the related Hearing's Reports and the final Global Report. They are internationally recognised eminent judges from the five major regions of the world recommended by their peers to the Selection Committee and then selected by the Committee on the basis of specified professional and personal criteria. Candidates submit a letter of interest, a resumé, and supporting documentation to the Selection Committee, whose decision is communicated in writing to the applicant.

1.2.1. Identification of themes

The choice of theme for the Hearings was based on a broad-based international consultation with children's rights organisations and an investigative research process. The Bureau is able to identify priority areas and then select the main theme to establish the topic for a series of Hearings. In 1995, an international survey of more than 240 organisations clearly identified the international dimensions of the sexual exploitation of children as the first issue that should be addressed by the Bureau. Thus the first series of Hearings (1997-9) tackled this topic, while the protection of war-affected children was identified in the same manner as the theme of the second cycle of Hearings (1999-2002).

1.2.2. Child and youth participation

The involvement of children and youth in the Hearings has always been a goal of the Bureau, although this was not attempted in the first series. Thus the involvement of young people from Northern Ireland giving evidence in a case study during the Colchester Hearings in April 2000 was a new feature. The Bureau takes the view that child and youth involvement in the Tribunal adds to the knowledge being

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Lessons from the first series of Hearings (1997-9)

- The desire to improve children's welfare is universal;
- A moral court has power;
- Civil society is developing new strengths in the fight to achieve children's rights.

concentrated on at the Hearings, while at the same time allowing for the perspective of young people to become a dominant force in the process. Age, experience and ability may determine whether children and youth will be involved as witnesses in any particular Hearing. The Bureau works with recognised, locally-based NGOs or CBOs to identify child and youth witnesses. In the case of the Colchester Hearings, the youth⁶ who appeared as witnesses were selected from among those who work with their peers and with younger children providing a broader insight than might have been the case if they had only given testimony on personal experiences.

1.2.3. Conclusions and recommendations

The final phase of a cycle of Hearings is the completion of a Global Report. This report is a combination of the findings, conclusions and recommendation of the Hearing's Reports within the thematic cycle. In addition to being published and widely distributed, this Report is presented to the International Bureau for Children's Rights, which then decides what follow-up measures will be taken. One of the primary aims of the Bureau is to advocate for the wide acceptance of the Report of conclusions and recommendations, which encourages recognition on the part of both civil society and governments of their ability to collaborate in bringing about positive change. The Tribunal provides preventative, educational, and corrective conclusions and recommendations. The Bureau is equipped to challenge international norms by using these in the form of programmes and activities, as well as in legal analyses of international children's rights instruments and the actions of governments. This ensures that these measures can be accessed and responded to by the widest possible range of agencies, including governments, NGOs, and media.

⁶ The youth witnesses from Northern Ireland who were present at the Colchester Hearings were selected by Marie Smyth, Director of the Community Conflict Impact on Children — INCORE. She played an integral part in the co-ordination of the *Case study of the situation in Northern Ireland as expressed by youth*. She was also a witness at the Hearings.