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# **Elections 2020**

# **Committee on the Rights of Persons with Disabilities (CRPD)**

# **Committee on the Elimination of Discrimination Against Women (CEDAW)**

# **Human Rights Committee (HRCttee)**

# **Committee on the Rights of the Child (CRC)**

Questionnaire for candidates

Four UN Treaty Bodies (Committee on the Rights of Persons with Disabilities (CRPD), Committee on the Elimination of Discrimination Against Women (CEDAW), Human Rights Committee (HRCttee) and Committee on the Rights of the Child (CRC)) will have elections organised in June 2020.

In order to strengthen the treaty bodies, the International Disability Alliance, Child Rights Connect, IWRAW Asia-Pacific and the Centre for Civil and Political Rights – as part of TB-Net, the NGO network on the UN Treaty Bodies – seek to promote quality, independence and diversity of treaty body membership through transparent and participators nomination and elections processes.

This questionnaire, which is sent to all nominated candidates and is based on the criteria set forth in the relevant treaties and in the GA Resolution 68/268, will enable all States and other stakeholders to better understand the skills, experiences and motivation of running candidates to CRPD, CEDAW, HRCttee, CRC in advance of the elections.

The written responses to the questionnaires will be made available on the website [www.untbelections.org](http://www.untbelections.org), while the video responses will be shared on a dedicated [YouTube page](https://www.youtube.com/channel/UC3AE1yyjFFbfT9G9lFKAaTQ).

*This initiative does not imply that we support or oppose any individual candidates.*

## Questions for all treaty bodies candidates

1. Name:

**Mikiko OTANI**

2. Nationality:

**Japan**

3. Current position:

**Member, UN Committee on the Rights of the Child; Partner lawyer, Otani & Partners Law Offices**

4. Are you currently holding or have you previously held any position on behalf of, or for, your Government (Executive branch) that may compromise your actual or perceived independence and impartiality? If so, please give details:

**No, I am not currently holding or I have not previousy held any such position.**

5. Please indicate any current or potential conflict of interest that may prevent you from exercising independence and impartiality in your work as a member of a UN treaty body:

**I don’t have any such current or potential conflict of interest.**

6. Was the nomination process for your candidacy a transparent and participatory process? Was civil society or other relevant stakeholders involved?

**I understand that the government of Japan decided on the nomination based on the assessment of my competence, capacity, expertise, support from civil society organizations as well as my achivements as a Committee member during my first term.**

7. During your possible service as a Committee member, what other positions or professional activities do you intend to engage in?

**I intend to continue activities as Director of Japan Committee for UNICEF, Council Member of International Bar Association’s Human Rights Institute, Commissioner of International Commission of Jurists as well as the teaching job as a lecturer at the Graduate School of Law, Soka University. However, as I did during my first term, I will continue to minimize my professional activities as a practicing lawyer, while keeping my pro bono activities such as providing legal assistance to the victims of trafficking in women and children.**

8. The commitments as a Committee member are very time-consuming during and outside session time. Will you have the capacity to dedicate the necessary time to the work of the Committee?

**I am fully aware of the time-consuming nature of the commitments required for Committee members. I do have the capacity to dedicate the necessary time to the work of the Committee, which has been proved by my full and active participation in the work of the Committee during my first term. I am committed to the even higher level of dedication of the time and energy for the second term if I am re-elected.**

9. What are the current and main challenges that you see for the treaty body system and what are your ideas for improvement?

**There is a wide gap in engagement with 197 States Parties (SPs). Such gap exists under the reporting procedures due to late and non-reporting by SPs. While only 35 SPs (17.8 %) have no overdue reports, 47 SPs (24.2%) have five or more overdue reports (source: late and non-reporting States page of the OHCHR Website accessed at 26 June 2020). A gap under the individual communication procedures is indicated in the statistics which show the high concentration of cases against a limited number of SPs: For example, in case of CEDAW, 65.8% of cases are against ten SPs (as at January 2020); CAT, 87.1% against ten SPs (as at August 2015); CERD, 96.4% against ten SPs (as at May 2014); CESCR, 94.5% against one SP (as at December 2019); CRC, 70.0% against three SPs (as at March 2020). Several SPs appear in the top ten with a high number of cases under some of nine treaties. Most of such SPs are in Europe and without overdue reports. I think several measures are necessary: the introduction of predictable review calendars; promotion and training on communication procedures; the effective management of cases; and strengthening the effective domestic remedy mechanisms.**

Link to your full resume:

<https://www.ohchr.org/Documents/HRBodies/CRC/Elections2020/CV_OTANI.docx>

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**Questions for candidates to the UN Committee on the Rights of the Child (CRC)**

*Please provide responses that are as precise as possible and in no more than 200 words per question.*

1.What motivates you to be a member of the Committee on the Rights of the Child? ([video option](https://www.childrightsconnect.org/wp-content/uploads/2020/04/crc_guidelinesvideo_en.docx))

**I first learned about the Convention on the Rights of the Child in 1993 as a young lawyer, when I started being interested in human rights education to prevent human rights violations. I was inspired by article 29, which provides the development of respect for human rights as one of the aims of education of children. This gave me a firm basis of my conviction that focusing on children and their transformative potential is a promising path to create a society where human rights are respected and protected; a society of compassion; and a society more peaceful and inclusive.**

**My participation as a civil society member in writing an alternative report to the Japan’s CRC initial report was another piece of my life story. It was an amazingly inspiring experience. I found the educational value of the reporting procedure for government officers, parents, teachers, professionals and all adults. Also most importantly, it empowers children. This experience motivated me to work for the Committee on the Rights of the Child as its member.**

2. Taking into account the current composition and expertise of the Committee, what would it be your added value? ([video option](https://www.childrightsconnect.org/wp-content/uploads/2020/04/crc_guidelinesvideo_en.docx))

**My strength is the practical experience based on the ground as a lawyer and as a civil society member working on actual cases and getting involved in the national implementation process of the Convention. But the most unique contribution I can bring in to the Committee is the knowledge and understanding of the whole treaty body system and the wider United Nations system I have gained through my long time engagement with the United Nations. This is my asset, which I believe is not only useful but rather necessary to effectively advocate child rights agenda in the United Nations.**

3. What do you think are the emerging issues and challenges in the implementation of the CRC and its Optional Protocols on a global scale as well as in your country/region?

**How to involve business sectors and local governments in the implementation of the CRC and its Optional Protocols is a challenge, which is not new but has not been given sufficient attention. While the primary responsibilities rest on the States and the national governments, business sectors and local governments have critically important roles in the implementation of the CRC and its Optional Protocols in many areas such as education, health, protection from violence and climate change. But they are not generally involved in the reporting procedures. Possibilities to involve them in the reporting procedures and engage with them through other platforms within and beyond the United Nations should be explored.**

4. What do you think are the areas where the Committee needs to strengthen international child rights standards?

**The Committee needs to strengthen international child rights standards concerning the right to remedies. Although the issue of remedies has been included in many General Comments that the Committee has so far adopted, it is not systematically addressed in the reporting procedure maybe because no article of the Convention explicitly provides the right to remedies. The establishment of the individual communication procedure for the CRC by the OPIC undoubtedly contributed to strengthening the procedural aspect of the right of the child to remedies at the international level. However, children’s right to remedies should be strengthened and realized at the national level. The Committee can contribute to that by integrating the issue of right to remedies in the reporting procedure.**

5. How do you envision the work of the CRC Committee in the achievement of the Sustainable Development Goals?

**The Committee has a potential to play an important role and make contributions to the achievement of the SDGs. As there is much interrelation between the Convention on the Rights of the Child and the goals and targets of the SDGs, the review of the States parties’ reports by the Committee indirectly contribute to the achievement of the SDGs. In particular, the Committee can contribute to promoting the SDGs in the society and involve wider people in the implementation process of the SDGs through encouraging child participation in the SDGs process at the local, national and international levels. To achieve SDGs, all stakeholders need to be involved at all levels and children should also be recognized as important stakeholders. Children themselves can take actions and make contributions to achieve the SDGs. Also the child participation may have a wider positive effect to involve their parents, schools and communities as well as the youth groups (older children grow up to be the active youth by 2030) in the SDGs implementation process. Thus the child participation should be a key strategy to achieve SDGs and the Committee should emphasize the value of the child participation and recommend it further.**

6. How do you think the Committee could advance the standards and practices on child participation and particularly children’s right to participate in political life?

**The Committee can identify good practices and integrate them into dialogues with and recommendations to the States parties. Good practices may be identified from the information that the Committee receives in the reporting procedures and other various sources. Some of the successful strategies and measures used to advance women’s participation may also work for child participation. In particular, indicators are strong tools to measure and advance child participation. The Committee can benefit from child participation indicators developed by various organizations and reflect them into its work. With regard to the children’s right to participate in political life, the Committee need to pay more attention to it. The Committee recommended in the General Comment No. 20 (2016) on the rights of the child during adolescence, para. 24, that “States should adopt policies to increase opportunities for political participation.” The Committee could further elaborate the obligations of the States in this regard in the recommendations to States parties under the reporting procedure**

7. What can the Committee do to further strengthen its engagement with civil society?

**First, the Committee may have an annual informal meeting with civil society so that the Committee can provide updates on the activities and working methods and directly interact with civil society through receiving questions, ideas and suggestions. The arrangement should be made so that NGOs based outside Geneva can observe and make interventions. In addition, the Committee can follow a good practice of the CEDAW Committee to publish the written report of the decisions taken during the session on its website to provide civil society with the updated information in a transparent, timely and accessible manner. Second, the Committee can invite civil society to make intervention in the public opening of every session. So far the Child Rights Connect has been invited to make a presentation. This practice should continue and expand to also invite NGOs and child-led organizations based outside Geneva to speak, connected by video link.**