

# **Children's Human Rights Caucus**

At the 58th Session of the UN Commission on Human Rights  
18 March – 26 April 2002

## **Children's Rights at the 2002 Commission on Human Rights**

NGO Group for the Convention on the Rights of the Child  
Sub-Group on the Commission on Human Rights

**June 2002**

## Table of contents

1. Introduction.....	3
2. Preparatory Work: the Sub-Group on the Commission on Human Rights .....	4
3. The Children’s Human Rights Caucus .....	6
4. Mainstreaming children’s rights .....	8
5. Evaluation.....	12

### Annexes

i Position paper on the Omnibus Resolution .....	14
ii Outline proposal for the CHR omnibus resolution 2002 .....	16
iii Alternative text for the omnibus resolution 2002.....	18
iv Children’s Human Rights Caucus position paper .....	35
v Position paper on the UN Study on Violence against Children .....	36
vi Letter to the Chair of the Commission on Human Rights .....	38
vii Report on panel discussion on the UN Study on Violence against Children .....	40
viii Timetable of the Children’s Human Rights Caucus Meeting .....	43
ix Breakdown of Government Statements under item 12 and 13 .....	45

The present report has been written by Roberta Cecchetti, Convenor of the Sub-Group on the Commission on Human Rights, Children’s Rights Programme Manager, World Organisation Against Torture (OMCT).

Many thanks to Carine Fleury, David Goetschmann, Sarai King, Shirley Ku, Vandana Nakka, Simon Petite, Jenny Shanley, Alexandra Tundo, Christina Villanueva, James Pope, Mirjam Müller and Petra Holmes for their precious help during the Commission and the drafting of the report.

For information please contact:

Roberta Cecchetti  
Sub-Group Convenor  
c/o World Organisation Against Torture (OMCT)  
8, Rue du Vieux-Billard  
1211 Geneva 8

phone : +41-22-809.49.39

fax : +41-22-809.49.29

e-mail : rc@omct.org

## 1. Introduction

The establishment of the new Sub-Group on the Commission on Human Rights, part of the NGO Group for the Convention on the Rights of the Child has been a highly significant move. The Sub-Group, being able to lobby throughout the year on behalf of children and young people, has given a powerful boost to the campaign for child rights. It extends both the scope and scale of NGOs' power when campaigning for child rights to be at the centre of decision-making by the Commission on Human Rights, one of the main policy bodies of the United Nations.

### **A difficult session**

The 58<sup>th</sup> session of the UN Commission on Human Rights proved to be very arduous and demanding, considering the ongoing and emerging issues on the international human rights agenda and substantive and procedural difficulties. The composition of this year's Commission was unprecedented as it was the first time that the USA was not a member and therefore unable to table and vote on resolutions.

The different human rights features of this year's Commission included the "war against terrorism", the ongoing conflict in the Israeli Occupied Palestinian Territories, the situation in Zimbabwe, the massive violations of human rights in Colombia and the ongoing war in Chechnya.

Furthermore, the Commission had to face procedural problems deriving from serious financial restraints. This rendered it impossible for the Commission to have night sessions which, in the past, allowed it to catch up with the delay and to adhere to the timetable. The Bureau dealt with this lack of flexibility by reducing the already limited speaking time (5 minutes) of NGOs and observer governments by one-third. Under some agenda items, some NGOs were completely prevented from making their planned statements. Special Procedures of the Commission also saw their speaking time to present their reports drastically reduced.

Another measure taken was the reorganisation of the session timetable and clustering of items. In particular, item 12 (Integration of the human rights of women and the gender perspective) was combined with item 13 (the rights of the child). From a conceptual point of view, putting "women and children" back together for discussion did away with decades of international conferences and debates at the UN and in other fora which finally recognised women and children as distinct subjects of human rights. Furthermore and in practical terms, the clustering of the two items combined with the reduction of speaking time resulted in government statements in which issues around women and children were addressed either jointly, prioritising violations of human rights that were simultaneously affecting women and (girl) children, such as trafficking, or one to the detriment of the other, with women's rights having received on the whole more attention than children's. Additionally, another result was the neglect of the rights of boys in the statements. A formal letter<sup>1</sup> was sent by the NGO Group for the CRC to call on the Chairman of the Commission to make all possible efforts to avoid using the reorganisation of the timetable of the 58<sup>th</sup> session as a precedent for future sessions and to guarantee that the Commission will be able to continue monitoring human rights of women and children under separate items.

### **In UNGASS shadow: the risk of a procedural resolution kept off**

The EU, the USA and Canada had wanted only a procedural resolution on the Rights of the Child, arguing that UN Special Session on Children, which took place in May this year, would have covered the same issues addressed in the resolution. This position and the unwillingness by the EU to negotiate on GRULAC's proposed text immensely frustrated the

---

<sup>1</sup> See annex vi

NGOs who had worked with GRULAC since January 2002 on possible amendments for inclusion in the new draft<sup>2</sup>. Furthermore, the adoption of a procedural resolution would have downplayed the role of the Commission, as the main Human Rights body, in monitoring the rights of the child. Finally, the UNGASS outcome document was already weak and it did not reflect in many aspects a rights-based approach<sup>3</sup>. Thanks to the firmness of GRULAC, their commitment to the omnibus resolution, and their openness to issues being pushed by NGOs, the Commission could finally adopt a substantive resolution on the Rights of the Child (2002/92) without a vote.

### **Mainstreaming of children's rights: little achieved, lots to be done**

The specificity of children's rights, as recognised by the adoption of the Convention on the Rights of the Child, and mainstreaming of children's rights are often perceived as being in opposition to each other, as one rendering the other void, and therefore superfluous. This has proved to be the case in many Governments' attitudes, when being approached and asked for inclusion of a specific reference to children in thematic resolutions sponsored or co-sponsored by them. Their frequent answer was that, as there is an omnibus resolution on the rights of the child, specific issues concerning children should be addressed there. It should be noted though, that the likelihood for integration of children's rights has been higher in country-specific resolutions, where the particular human rights situation had been considered to encompass and be detrimental to different vulnerable groups, including children. While the attitude of governments might correspond more to a need for less complicated negotiations rather than to a grounded position, it also shows that children's rights have not yet achieved an equal standard within the human rights arena. NGOs consider that specificity and mainstreaming are complementary rather than exclusive and that the same kind of efforts should be expected in both directions from governments. Still, much of the debate and statements on children's rights during the Commission took place around item 13 (rights of the child) with few exceptions, such as the right to education and to adequate housing under item 11 and violations of children's rights occurring in the Israeli Occupied Palestinian Territories.

## **2. Preparatory Work: the Sub-Group on the Commission on Human Rights**

In previous years, the temporary establishment of a Children's Rights Caucus enabled NGOs to get together, talk about their work and co-ordinate their campaigning activities during the sessions. It has always been seen as a key opportunity for getting child rights issues and their central messages across to a broad range of audiences. The problem was there was never enough time to be really effective. It was therefore decided to create a more permanent forum and a Sub-Group on the Commission on Human Rights was then established. The presence of this new subgroup, co-ordinated by the World Organisation Against Torture (OMCT), aims at ending this 'stop-go' pattern as the work can now continue outside the sessions of the Commission. This synergy was further enhanced as OMCT also coordinated the Children's Human Rights Caucus.

The Sub-Group aims were fourfold:

- Strengthening the lobbying capacity of the NGOs on the CHR resolution on the Rights of the Child
- Strengthening the mainstreaming of children's rights in other CHR resolutions
- Convening and facilitating the Children's Human Rights Caucus at the CHR
- Organising a panel discussion during the CHR

---

<sup>2</sup> See below for details on the preparatory work prior the Commission.

<sup>3</sup> The Children's Human Rights Caucus issued a position paper calling on the Commission to adopt a substantive resolution. For further details see below. The text of the position paper is annexed (annex iv)

### **Position paper on the CHR 'omnibus' resolution on the rights of the child**

The activities of the Sub-Group during the months prior the Commission included the production of a position paper on the CHR resolution on the Rights of the Child<sup>4</sup>. The position paper called on states for concrete actions in terms of both content and structure and process of the resolution. In particular it asked for rationalisation, shortening and strengthening of the text by having a specific focus for the year 2002 on violence against children. Furthermore it called on GRULAC and the EU to start the drafting process well ahead of the commission in order to ensure that other delegations would take part in the negotiations as of the beginning of the CHR. Finally, it also urged governments to guarantee that the text not to move away from agreed standards, even if that meant sacrificing the consensus.

The Sub-Group also produced an outline proposal for the Omnibus resolution 2002<sup>5</sup> aiming at demonstrating that a rationalisation of the resolution was possible by at the same time keeping reference to all the rights included in previous resolutions and having a focus on violence against children. Both the position paper and the outline proposal were sent to all government delegations in Geneva.

The position paper was effective in pushing GRULAC (this year's sponsoring group) to start the drafting of the resolution in January and to be able to present it to the EU (the co-sponsoring group) one week before the Commission started. It is also to be noted that GRULAC was very open to NGOs suggestions and proposals for amendments to be included in the text. The Sub-Group advocacy was less successful in the call for rationalisation and shortening of the resolution, the present structure being only two years old and originating from a GRULAC proposal. Still, a considerable part of the amendments proposed were included in the GRULAC first draft and maintained in the final text<sup>6</sup>. It is hoped that the same kind of association and collaboration can be established with Greece, which will have the presidency of the EU during next year's commission.

### **Alternative text of the resolution on the rights of the child**

The Sub-Group also produced a consolidated alternative text of the resolution on the rights of the child. When it was clear that GRULAC did not want to change the structure of it, and that they would have worked with the resolution of 2001 as the basis, the Sub-Group provided them with amendments, suggestions for rationalisation and new text for inclusion<sup>7</sup>.

### **Contributions of text for other resolutions and mainstreaming**

Some text was also provided to Portugal for inclusion in the resolution on the right to education and inputs were also given to the Sub-Group on Juvenile Justice for inclusion into their submission to Austria, who had the initiative of the resolution on Juvenile Justice. Single NGOs made the Sub-Group aware of their interest in following particular resolutions (Resolution on IDPs, on Torture, on Afghanistan) and their willingness to act as focal points for lobbying on child-related issues.

### **Panel discussion on the UN Study on Violence against Children: perspectives, opportunities, challenges**

The Sub-Group organised a panel discussion on the UN Study on Violence against Children, during the CHR. The panel took place on 11 April 2002 and aimed at having some preliminary hints on the perspectives of the three main UN agencies and bodies who have expressed their interest in the study (UNICEF, OHCHR, WHO) and those of NGOs. The meeting was attended by about 60 people and saw the recommitment of the three agencies to the study and their support to the idea of an independent expert to be appointed by the SG to carry out the study.

---

<sup>4</sup> See annex i

<sup>5</sup> See annex ii

<sup>6</sup> See below paragraph 3

<sup>7</sup> See annex iii

A NGO position paper on the UN Study<sup>8</sup> was prepared by the Sub-Group and made available at the panel discussion. The position paper has been signed by 23 NGOs<sup>9</sup>.

### **3. The Children's Human Rights Caucus**

The Sub-Group decided to convene the Children's Human Rights Caucus during the 4 central weeks of the CHR, from 25 March – 19 April 2002.

The aims of the caucus were fourfold:

- Co-ordinating of the lobbying strategy, in particular on the resolution on the rights of the child
- Information sharing and networking amongst NGOs on particular subjects, activities, campaigns, including briefings by UNICEF and the CRC on ongoing activities
- Meeting with some UN Special Rapporteurs to understand if and how they include children's rights in their mandate and work
- Reaching out to NGOs and interested people not present at the CHR, by producing and sending out weekly reports covering the CHR proceedings, side events and the caucus meetings from a children's rights perspective

Activities of the caucus included the preparation of a position paper calling for a substantive resolution on the rights of the child<sup>10</sup>. The position paper was produced in response to the willingness of the EU to adopt a procedural resolution, based on the reason that the negotiations on UNGASS outcome documents were about to start and the delegations did not wish to be negotiating on the same difficult issues into two different places. The position paper highlighted that the Commission, as the main Human Rights Body, has the responsibility to monitor all human rights, including those of children, and should therefore ensure that the universally guaranteed and accepted rights of children are not reduced. Secondly, the argument that the UN Special Session had not yet taken place was irrelevant to the Commission adopting a resolution on the rights of the child, especially because the Special Session outcome document does not cover the whole range of rights in the CRC and other international standards and some paragraphs of the outcome document that had already been agreed upon move away from the existing standards on the rights of the child. The position paper was sent to all government delegations in Geneva. According to some delegations, the timely position paper saved the resolution.

#### **Lobbying on the Resolution on the Rights of the Child**

The Sub-Group engaged in intense lobbying on the resolution on the Rights of the Child. Some very important issues were included in the GRULAC and EU text thanks to this enhanced capacity and the openness of the two groups, particularly GRULAC and Portugal, to NGOs suggestions. Nevertheless, the negotiations between GRULAC and the EU started very late due to the attempt from the EU to push for a procedural resolution and therefore use the tactic of avoiding comments on the GRULAC's draft and play on the time pressure. Spain, as the co-ordinator of the EU, put pressure on Latin American delegations, by sending faxes to their capitals, their delegations in New York (the ones negotiating UNGASS outcome document) and their missions in Geneva. Nevertheless, GRULAC proved to be very united and could count on the fact that the draft resolution was ready and it could have been tabled with or without EU's consent. This resulted in a delay and the opening up of consultations only during the fourth week of the Commission.

---

<sup>8</sup> See annex v

<sup>9</sup> The full report of the panel discussion is annexed (annex vii)

<sup>10</sup> See annex iv

The open consultations were attended by an unprecedented number of governments delegations, which included China, Iran, Malaysia, Saudi Arabia, Iraq and the Holy See besides the delegations who have normally been present and active (GRULAC, EU, USA, Canada, Switzerland and Australia). While such an interest is to be welcome and it was probably encouraged by UNGASS, it should not be forgotten that the non-membership of the USA in the CHR resulted in peculiar alliances amongst governments and renewed participation.

Another feature to be highlighted is the denial to NGOs to observe the open consultations. Besides strong opposition by GRULAC and EU, Iran, China and the USA succeeded in formally asking the representatives of NGOs to leave the room. It was clear that NGOs were perceived, on the one hand, as not being *superpartes* but being close to governments' interests. One of the government's statements for arguing the exclusion was that if NGOs were allowed in, then *their* NGOs would have also been entitled to be there. On the other hand, governments were afraid of NGOs reporting back on their positions and compromise on what they considered to be sensitive issues. Nevertheless, the sensitive issues proved to be the usual ones and governments having problems with them could have been easily identified. Sensitive issues included:

- the reference to the Convention on the Rights of the Child as the standard for the promotion and protection on the rights of the child and the call for states who are not yet parties to sign and ratify it
- the mentioning of the right to reproductive health services for adolescents
- the call for states to prohibit the use of corporal punishment in all schools
- the call for states who have not yet abolished the death penalty for crimes committed before the age of 18, to abolish it by law as soon as possible

Nevertheless, at the end of very difficult negotiations and at the very last day of the session, the Commission adopted by consensus the Resolution on the Rights of the Child, which was co-sponsored by 104 countries. The resolution has strong language and includes many of the issues that NGOs had pushed for. Amongst them:

- the Commission suggests to the Secretary-General to appoint an independent expert to carry out the study on violence against children, in collaboration with OHCHR, UNICEF and WHO, taking note of the recommendations of the CRC Committee
- there is the reference according to which the "CRC and other relevant human rights instruments must constitute the standard in the promotion and protection of the rights of the child"
- it calls on states to "abolish by Law as soon as possible the death penalty for those under 18 at the time of the commission of the offence".

On a negative note, any reference to sexual reproductive health services was dropped due to the strong opposition by the USA, the Holy See and some Islamic countries. It is hoped that this paragraph will be back in the resolution next year.

### **Caucus meetings**

The caucus met 18 times during the Commission and attendance varied according to the topic. In general, it can be said that on average 10 to 15 people attended every day. The caucus meetings aimed at enhancing networking and information sharing amongst NGOs, at raising awareness on activities by UN bodies and mechanisms including UNICEF; the Committee on the Rights of the Child and Special Procedures of the Commission on Human Rights, at co-ordinating lobbying and strategising. The Caucus had three strategy meetings, one briefing from UNICEF, one briefing by Committee on the Rights of the Child, 8 presentations from NGOs, and 5 briefings from 5 Special Rapporteurs (on the Right to Education, on Summary Executions, on Torture, on the Sale of Children, on Violence against Women). The caucus also had two joint meetings with the Women and Gender caucus<sup>11</sup>.

---

<sup>11</sup> The timetable of the caucus meetings is annexed (annex viii)

The caucus produced weekly reports covering the Commission proceedings, the side events and the caucus meetings<sup>12</sup>. The reports, timetable, position papers and flyers were sent out to a list of 126 contacts through the e-mail address: [childrensrightscaucus2002@yahoo.com](mailto:childrensrightscaucus2002@yahoo.com). The reports were also made available on the CRIN web-site. The timetable was also regularly sent to government delegations.

#### **Dissemination of information to the child rights community: a web-page of the Sub-Group on the CRIN website**

In order to ensure that the larger child rights community was informed of work by the Children's Human Rights Caucus at the CHR, the caucus and subgroup worked closer with the CRIN. The following information tools were created:

- Webpage on the Commission on Human Rights at <http://www.crin.org/docs/resources/treaties/unchr.htm>. This page will remain in place, and can be updated either in time for the 59<sup>th</sup> Session on the CHR or before that. It includes an overview of the process, a description of the CHR and 58<sup>th</sup> Session, information about the omnibus resolution, involvement by NGOs, as well as contacts and links.
- A preliminary web page of the Sub-Group was created on the CRIN website with a short description of the Sub-Group aims and activities at <http://www.crin.org/organisations/viewOrg.asp?ID=1355>. Some of the Sub-Group documents were also included.
- CRINMAIL were also sent covering the CHR and these included reference to the work of the Children's Human Rights Caucus.

#### **4. Mainstreaming children's rights**

##### **In the Commission proceedings and government statements**

In the Commission proceedings and statements by governments, little room was given to violations of children's rights under items other than 13 (the rights of the child). No mention of children was made under item 5. (The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation); item 6 (Racism, racial discrimination, xenophobia and all forms of discrimination) and item 7 (The right to development).

Conversely, children were mentioned under item 8 (Question of the violation of human rights in the occupied Arab territories, including Palestine). The Special Rapporteur on the Palestinian Territories Occupied since 1967 considered the situation of children in his report and almost all member states and observers who took the floor, expressed their concern about the attacks on schools by Israeli armed forces, the conditions of detention of children and the ground of their arrest, the high number of children being killed or wounded. Worth noting was the statement from Spain on behalf of the EU, calling on Israel to comply with the Convention on the Rights of the Child, which Israel ratified.

Under item 9 (Question of violation of human rights and fundamental freedom in any part of the world) children were addressed in the context of specific country situations. Examples included the continuing recruitment of children as soldiers by LTTE in Sri Lanka, the reported grave violations of children's rights in Sierra Leone and in countries of the Central African region, and a call to Afghanistan and North Korea to respect and promote the rights of children in their own countries.

Under item 10 (Economic, social and cultural rights) States mostly mentioned the right to education and some addressed the right of adequate housing. It is also worth noting that the

---

<sup>12</sup> The reports were prepared by a pool of interns provided by the NGO Group and several other organisations including UNICEF, International Federation Terre des Homme, Save the Children, World Vision and OMCT. Reports are available on CRIN website: <http://www.crin.org/organisations/viewOrg.asp?ID=1355>

Special Rapporteur on the right to education expressed her concern over the privatisation of public services, such as education, and the Special Rapporteur on Adequate Housing remarked that effects of inadequate civic services were particularly severe on women and children.

Under item 11 (Civil and Political Rights) the question of the protection of children within the justice system was addressed by three countries.

Under items 12 (integration of the human rights of women and gender perspective) and 13 (rights of the child), the issue which had the best score was the right to education (mentioned 20 times), followed by the situation of children affected by armed conflict (19 times). The Convention on the Rights of the Child, including reference to the coming into force of its two optional protocols, was mentioned in 11 statements and the issue of trafficking, sexual exploitation, child labour and girl children received the same amount of references. The UN study on violence against children was mentioned by Spain, on behalf of the EU; Switzerland and Mexico<sup>13</sup>.

No children's issues or concerns were addressed under item 14 (Specific groups and individuals:(a) Migrant workers; (b) Minorities; (c) Mass exoduses and displaced persons; (d) Other vulnerable groups and individuals.) and item 15 (Indigenous issues).

#### **In resolutions (other than the resolution on the Rights of the Child)**

Other CHR resolutions of this year could be easily identified as being relevant to the rights of the child. The resolution on *Abduction of children from Northern Uganda* (2002/53) is the only other resolution being adopted under item 13. It condemns in the strongest terms the Lord's Resistance Army for the continued abduction, torture, killing, rape, enslavement and forcible recruitment of children in northern Uganda. It clearly shows the re-establishment of formal diplomatic relationships between Uganda and Sudan.

The resolution on *Human Rights in the administration of justice, in particular juvenile justice* (2002/47) welcomes the General Assembly's endorsement of the request of the Committee on the Rights of the Child that the Secretary-General conduct an in-depth study on the issue of violence against children and invites the Secretary-General to consider the inclusion of children who are affected by national security, State security, counter-terrorism and similar laws in that study. Furthermore, it urges States to ensure that under their legislation and practice neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below 18 years of age. These achievements were possible due to the absence of the USA.

The resolution on the *Right to Education* (2002/23) calls on States, among other things, to take all appropriate measures to eliminate obstacles limiting effective access to education, notably to girls, including pregnant girls, children living in rural areas, children belonging to minority groups, indigenous children, migrant children, refugee children, internally displaced children, children affected by armed conflicts, children with disabilities, children with HIV/AIDS and children deprived of their liberty; to adopt all necessary measures to close the gap between the school-leaving age and the minimum age for employment, including raising the minimum age for employment and/or raising the school-leaving age when necessary, and to ensure access to free basic education and, wherever possible and appropriate, vocational training for all children liberated from the worst forms of child labour; to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse in schools, and to incorporate in their legislation

---

<sup>13</sup> For the breakdown of government statements under items 12 and 13 see annex ix

appropriate sanctions for violations and the provision of redress and rehabilitation for victims; and in this context to take measures to eliminate corporal punishment in schools.

The resolution on *Traffic in women and girls* (2002/51) urges Governments to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and children, in particular girls, for prostitution and other forms of commercialized sex, forced marriages and forced labour, so as to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures; it also calls upon Governments to criminalize trafficking in women and children in all its forms and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking with full respect for their human rights.

The resolution on *Torture and other cruel, inhuman or degrading treatment or punishment* (2002/38) went through a rationalisation process aiming also at shortening the length of it. This was also done through restating of some specific paragraphs in previous resolutions, thus avoiding repeating them. Nevertheless, this logic did not seem to be applied coherently as some paragraphs, probably deemed to be more important than others, were kept and repeated. The resolution reminds Governments that corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture; it invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture. By restating paragraph 32 of Commission resolution 2001/62, it calls the Special Rapporteur on Torture to continue to consider questions relating to the torture of children and conditions conducive to such torture and other cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations concerning the prevention of such torture.

The resolution on *Internally Displaced Persons* (2002/56) welcomes the specific attention paid by the Representative of the Secretary-General to the special assistance, protection and development needs of internally displaced women and children and his commitment to pay more systematic and in-depth attention to women and children as well as other groups with specific needs among the internally displaced.

In the resolution on the *Situation of human Rights in Afghanistan* (2002/19) the Commission invites the relevant bodies of the United Nations, in particular the Office of the United Nations High Commissioner for Human Rights, within the framework of United Nations Assistance Mission in Afghanistan, to develop a national strategy on human rights addressing, in particular, issues of accountability, transitional justice, a national programme for human rights education, women's rights, and the rights of the child, and to consider establishing a national commission or ombudsperson for children.

### **In briefings by the CHR Special Procedures**

The newly appointed Special Rapporteur on the situation of human rights in the *Democratic Republic of Congo* said she would pay special attention to children's rights under her mandate. In her briefing she reported the main violations of human rights concerning children as to include child soldiers being recruited. Particularly in the East, children suffer from number of diseases, like HIV/AIDS or malaria, and the health situation is catastrophic. A large number of children are also denied the right to education. Finally, she raised a lot of concern for many of the 2 million Internally Displaced Persons (IDPs) in the DRC who are women and children, and who risk persecution because of their ethnic origin.

Special Rapporteur on the *Situation of Human Rights in the Palestinian territories occupied since 1967* devoted a relevant part of his report to gross violations of children's rights. According to his report; Palestinian children and young people suffer greatly from the present

situation in 3 ways: (1) Since the beginning of the intifada hundreds of children have been killed and thousands wounded; (2) The closure of the occupied territories has a grave impact on the lives of children. Poverty is spreading, access to hospitals, clinics, schools and to the university is obstructed by military checkpoints (3) About 1000 children under the age of 18 have been arrested and detained since September 2000 in connection with crimes relating to the Palestinian uprising. Children have undergone cruel, inhuman or degrading treatment such as interrogation lasting several days and being accompanied by beating, shaking, threats, sleep deprivation, isolation, blindfolding and handcuffing.

The Special Rapporteur on the *situation of human rights in Afghanistan* mentions in his report that Afghans (particularly children, women and minorities) have suffered “an abysmal human rights situation”. Under the Taliban regime, “women and girls have been excluded from educational opportunities and access to employment. Half of all Afghan children suffer from chronic malnutrition, and one out of every four children dies before the age of five.” Amongst the 4 millions Afghan refugees, 80% are women and children.

The Special Rapporteur on the situation of *human rights in Sudan* devoted a section of his written report to children’s rights. Essentially, children, as the most vulnerable members of society, are the most tragic victims of the 20 year war, which has resulted in poverty, massive food shortages and a large internally displaced population. Conscription of child soldiers and the arrest, detention and torture of students, also occurs in Sudan.

The Special Rapporteur on the situation of human rights in *Myanmar*, during his mission in October 2001, visited prisons and labour camps where opponents are detained. During one of its inspections, the mission came across 43 little children with their incarcerated mothers. This finding urged the Special Rapporteur to recommend the government of Myanmar “to address the pockets of vulnerability among the prison population, such as the sick, the elderly, juvenile, and women, especially those with children and who are pregnant”.

The Special Representative of the Commission on human rights on the situation of human rights in *Equatorial Guinea* addressed three main issues concerning children, namely, detained children not being separated from adults, a high rate of child prostitution and forced child labour<sup>14</sup>.

For the Special Rapporteur on *extrajudicial, summary or arbitrary executions* the situation of children has always been a matter of great concern. Between December 2000 and December 2001, she dealt with children’s rights on numerous occasions through information received or communications sent to governments. During the period under review, the Special Rapporteur sent urgent appeals on behalf of 13 identified children under the age of 18 to Governments of Brazil, Colombia, the Democratic Republic of Congo, Guatemala, India, Iran, Israel, Jamaica and the United States of America, as well as the former Taliban Council. Ms. Jahangir transmitted allegations of the right to life of 38 minors to Colombia (6), Honduras (2), Indonesia (2), Israel (2), Jamaica (1), Myanmar (18), Nicaragua (2), Paraguay (4), Sudan (1) and the Palestinian Authority (1).

The Representative of the Secretary-General on *Internally Displaced Persons* mentioned children in the report of his visit to Indonesia. Despite the lack of reliable data, it is thought that the vast majority of the 1.3 million IDPs in Indonesia are women and children. Children without identity papers are impeded from going to school, while others don’t attend because their families can’t pay the school fees. During his stay, Mr. Deng urged the government to address the particular needs of internally displaced women and children. The latter should be protected against forced recruitment in armed groups and should have free access to education.

---

<sup>14</sup> His mandate has not been renewed and has therefore been terminated this year.

The newly appointed Special Rapporteur on the *human rights and fundamental freedoms of indigenous people* announced that, in the future, he would pay particular attention to indigenous children, especially girls, in different settings, such as migrations, trafficking of women and girls, and violent conflicts. However, this issue will not be examined in next year's report but later on.

The Independent Expert on the *situation of human rights in Somalia* reported that in Somalia, the education system broke down in the mid-1980s. Continuing low intensity fighting impedes the access to education. According to estimations, only 13-16% of children aged 6 to 12 attend school. While visiting "Baidoa", Mr. Alnajjar met many child soldiers with machine-guns. In many parts of Somalia, children are recruited under the age of 15, as underlined in Mr. Alnajjar's report. The Independent Expert visited an orphanage in which 150 children were housed in very poor conditions. The local NGOs he met described widespread practice of female genital mutilation as well as forced marriages of young girls.

The Special Representative of the Secretary-General for *human rights in Cambodia* noted in his report "the dire situation of children in Cambodia's prison system. Whether in pre-trial detention, convicted, or living with their imprisoned mothers, these young people are potentially attending a school for crime while incarcerated", he said. Furthermore, according to the Special Rapporteur, far too many resources are currently dedicated to military spending to the detriment of education needs. Although the Cambodian Constitution guarantees free primary and secondary education to all citizens in public schools, extra fees of schooling are often requested and many children - an estimated 400,000 between 6 and 11 years - are therefore unable to attend school.

## **5. Evaluation**

On the whole it was felt that the lobbying capacity of the Children's Human Rights Caucus has been greatly enhanced, especially concerning the Resolution on the Rights of the Child. The NGOs were considered an important partner and a strong source of inputs from some governments, and particularly from GRULAC. It should be noted that this was mostly achieved thanks to the establishment of the Sub-Group on the CHR and its work prior the Commission.

The caucus was certainly less co-ordinated and less effective in the lobbying on other resolutions, which was done by single NGOs according to their own expertise and priorities. Some co-ordination has also been sought with other human rights NGOs being present at the Commission and lobbying on specific resolutions. It is desirable for mainstreaming of children's rights to be enhanced in future sessions of the Commission, and for NGOs to be able to co-operate more amongst themselves.

The Caucus meetings were attended on average by 10 to 15 people, but it was felt that, excluding a few times, the outreach did not go beyond the usual Geneva-based NGOs. This can be partially due to the lack of visibility, the fact of meeting in a small room which is not at the same floor as the commission meeting room, or because the meetings are held at the same time as the Women's and Gender Caucus'. Nevertheless, what is also to be said is that, even amongst some traditional human rights NGOs, children's rights constitute, and are felt to constitute, a less political and less difficult item in the Commission's agenda and hence can be given a lower priority. Secondly, children's rights are felt to be a specific topic which is often left to specialised and/or competent NGOs and to goodwill persons. Finally, it should also be noted that NGOs were informed on the resolution's progress, the process and programme of the caucus in advance and via e-mail and this might have also resulted in a more limited attendance.

Some proposals that came out from the evaluation at the last caucus meeting included the suggestion for next year of making one or more joint statements to enhance the visibility of the caucus. Another idea was to foresee an enhanced share of the caucus co-ordinating work and to identify persons responsible for the caucus meetings, for the communication strategy, for the lobbying, etc. Another idea that would certainly need further thinking is if and how the Commission should see more direct participation from children.

## Annexes

### Annex i NGO Group for the Convention on the Rights of the Child Sub-Group on the Commission on Human Rights<sup>15</sup>

#### Position Paper on the Resolution on the Rights of the Child of the Commission on Human Rights

The existing omnibus resolution on the rights of the child of the UN Commission on Human Rights began as a combination of separate resolutions. Previously a number of resolutions on specific issues affecting children, were introduced by the country most concerned about the issue. These included children living and working on the street, sexual exploitation of children and children affected by armed conflict. Concerned about the “proliferation” of resolutions pertaining to children it was decided in 1994 to bring together all the issues in an omnibus resolution. It was initially intended that the omnibus resolution would not only consolidate the many resolutions on child rights but also would be rationalised and shortened.

#### Content and structure

Although there have been some attempts to streamline the resolution, at the same time the resolution has continued to grow through the inclusion of new issues. This growth has often occurred on an *ad hoc* basis rather than in response to a clear, coherent overarching structure and purpose. The resolution of the 57<sup>th</sup> session (E/CN.4/RES/2000/85) comprised of 22 preambular paragraphs and 59 operative paragraphs over 14 pages. At the last session an attempt was made to shorten the resolution ((E/CN.4/RES/2001/75) by reaffirming parts of the previous resolution, but it is still too long: 18 preambular paragraphs, 38 operative paragraphs and 11 pages. With a range of emerging issues pertaining to child rights, the resolution is likely to expand even more dramatically over the coming years.

Given the fact that the resolution is an omnibus one, it encompasses a whole range of rights, issues and concerns without any kind of prioritisation amongst them. The tendency is to indiscriminately add other rights, issues and concern, thus contributing to lengthen the text further. The inclusion of a lengthy list of issues is however detrimental as the language used is not detailed enough to be relevant and workable.

The resolution often repeats the same issue each year. While repetition of some provisions is important, for example ratification of international treaties, little progress can be achieved through the restatement of what amounts to provisions of the Convention on the Rights of the Child. Instead of repeating issues each year, the Commission could draw attention to newly identified issues and developments in regard to child rights.

The omnibus resolution also does not make reference to other Commission resolutions that may be of relevance to child rights, for example that on the right to education (E/CN.4/RES/2001/29) or on traffic of women and girls (E/CN.4/RES/2001/48).

---

<sup>15</sup> The NGO Group for the Convention on the Rights of the Child (NGO Group) brings together a variety of organizations into a co-operative network with the main objective of facilitating the promotion, implementation and monitoring of the Convention on the Rights of the Child. The NGO Group comprises of several Sub-Groups based on themes relevant to child rights. Many members of the NGO group are also engaged in advocacy on child rights at the Commission on Human Rights (CHR) and during the past few CHR sessions they have co-ordinated their efforts through a Child Rights Caucus. After the last CHR it was decided to create a new sub-group of the NGO Group in order to broaden the participation of NGOs advocating for child rights and facilitate the preparations for the CHR and follow-up once the CHR session has ended. A list of the NGOs that constitute the Sub-Group is annexed.

Furthermore, NGOs have found that the omnibus resolution provides few opportunities for advocacy on the rights of the child. While the resolution identifies issues of concern to the Commission (and often to NGOs), there have been few recommendations to States on specific measures to be taken to address these issues. It is likely that UN member states may also have found the resolution of little use in providing guidance to them on ways to remedy the violations or address the concerns raised in the omnibus resolution.

### **Recommendation**

GRULAC, the EU and other members of the Commission should take this opportunity to review the structure and content of the Resolution on the Rights of the Child with a view to shortening it considerably, ensuring that it particularly focuses on new areas deserving specific attention and making recommendations on specific steps that UN members states could take to address those issues.

We suggest that the 2002 Omnibus resolution should include a specific and detailed section on Violence against Children. This would build on the momentum that the two General Discussion Days of the Committee on the Rights of the Child devoted to the issue of "Violence against Children" and the echoing resolutions of the General Assembly and the Commission on Human Rights in 2001.

### **Process**

Initially Sweden was given the task to consolidate the many resolutions on the rights of the child. Later it was decided that the EU would take the "lead" in the drafting of the resolution. When GRULAC approached the EU to become involved in the drafting process, it was decided that the responsibility for drafting would alternate each year between the EU and GRULAC.

Currently the process not only requires that the states within the grouping (EU or GRULAC) take the lead and reach consensus on the draft resolution, but also that the text is then negotiated with the other grouping and consensus reached. Then further consultations are held with other members of the Commission outside the EU or GRULAC. This is a lengthy and cumbersome process that often results in a resolution that has very little that leads to concrete action. The process also makes it difficult for NGOs to engage meaningfully in the drafting process or to make any sensible input. It also impedes any radical change to the structure and content of the resolution; therefore the temptation to retain or repeat large parts of the previous resolution.

Members of the Commission are urged to consider whether the current process is the best option.

### **Recommendations:**

- Given the current state of play of the joint EU-GRULAC initiative, it would be advisable to start the drafting and negotiation process within and between the groups well in advance, in order to arrive at the opening of the CHR session with an agreed text that can be then opened for negotiation with other Member States.
- While reaching a consensus indicates a strong commitment of all States to children's rights, the negotiating process might result in the watering down of previously agreed standards. States should consider the possibility of resorting to a vote if the language being proposed is a step back from the Convention on the Rights of the Child and other agreed standards.
- The negotiating process during the CHR should be kept open and transparent to allow NGOs to openly and transparently make their inputs available to delegations. NGOs should be granted access as observers to the open consultations amongst delegations, similar to the process for other CHR resolutions.

**Annex ii**  
**NGO Group for the Convention on the Rights of the Child**  
**Sub-Group on the Commission on Human Rights**

**Outline proposal for the CHR omnibus resolution 2002**

1. **Preamble**
2. **General measures of implementation**
3. Introduction on the **indivisibility of children's human rights**: Civil and Political Rights are as important as Economic, Social and Cultural Rights.
  - 3.1. The right to non discrimination against children as a clear example of such indivisibility: as a group; categories of children in vulnerable circumstances; social groups (eg. religion, indigenous, disabled, etc.). (paras 20-22, CHR 2001 resolution).
    - 3.1.1. The need for a gender perspective (boys and girls) to be considered in every paragraph of the resolution.
  - 3.2. Within the civil and political rights, a particular emphasis should be given to Identity and birth registration (para 11, CHR 2001 resolution)
  - 3.3 Within the ESCR a particular attention should be given to:
    - 3.2.1. The right to education (paras 14-16, CHR 2001 resolution)
    - 3.2.2. The right to health (paras 12-13, CHR 2001 resolution)
4. Thematic focus on **violence against children** (paras 17-18, CHR 2001 resolution)
  - 4.1. General paragraph: recalling previous CHR resolutions; define parameters; note prevalence of violence against children; note that violence against children is based on power relationship, define what violence is<sup>16</sup>
  - 4.2. Places and situations where violence against children occurs<sup>17</sup>
    - 4.2.1. Within the family and home (new para)
    - 4.2.2. In the schools (new para)
    - 4.2.3. In care or residential institutions, both state and private (new para)
    - 4.2.4. In the workplace (paras 26-27, CHR 2001 resolution)
    - 4.2.5. In the street (para 24, CHR 2001 resolution)
    - 4.2.6. In detention facilities and prisons, including by the police and the use of capital and physical punishment and life imprisonment (para 28, CHR 2001 resolution)
  - 4.3. Recommendations on violence<sup>18</sup> : the State has the obligation, including the due diligence in the private sphere, in order to ensure

---

<sup>16</sup> According to article 19 of the CRC, violence is defined as "(...) all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (...)". Sexual violence, which includes, inter alia, child prostitution, child pornography and trafficking related to it, will be mainstreamed in the following paragraphs corresponding to places where violence against children occurs. This will avoid singling out forms of violence (paras 29-30, CHR 2001 resolution)

<sup>17</sup> This corresponds to the list of areas that the CRC Committee Identified for the UN study on violence against children (See 28th session (CRC/C/111), Discussion on "*Violence Against Children, Within the Family and in Schools*", Friday, 28 September 2001).

<sup>18</sup> This paragraph would include the recommendations which are valid for any form of violence, such as, for example, the review of legislation. Specific ones would be included under the correspondent paragraph

- 4.3.1. prevention of violence (new para)
- 4.3.2. prosecution and punishment of responsible (para 19, CHR 2001 resolution)
- 4.3.3. treatment, recovery and re-integration of the victim (para 37, CHR 2001 resolution)

**5. Children in difficult situations:**

- 5.1. Armed conflict (paras 31-36, CHR 2001 resolution)<sup>19</sup>
- 5.2. Refugee and internally displaced children (para 25, CHR 2001 resolution)
- 5.3. Migrant children (para 23, CHR 2001 resolution)

---

<sup>19</sup> The current war situation in Afghanistan and the concerns for children's rights that it raises might be better addressed if mainstreamed in the resolution on Afghanistan

## Annex iii

### Sub-Group on the Commission on Human Rights NGO Group on the Convention on the Rights of the Child Amendments on GRULAC proposed text<sup>20</sup>

#### Rights of the child

##### Commission on Human Rights resolution 2002/

The Commission on Human Rights,

Bearing in mind the Convention on the Rights of the Child, emphasizing that its provisions and other relevant human rights instruments must constitute the standard in the promotion and protection of the rights of the child, and reaffirming that the best interests of the child shall be the primary consideration in all actions concerning children, **(PP1 Res. 2001/75)**,

~~Welcoming the developments in recent years in international legal standards, especially the adoption of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, acknowledging the historic significance of the establishment of the Rome Statute of the International Criminal Court (A/CONF.183/9), and noting with interest the entry into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,~~

~~Reaffirming the consensus reached in the relevant resolutions of the fifty sixth session of the Commission and the fifty fifth session of the General Assembly, as well as in all previous resolutions on this subject,~~

~~Reaffirming also the fundamental principle set forth in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) and in the Beijing Declaration and Platform for Action, adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20, chap. I) that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights, and underlining the need for further mainstreaming the rights of the child as well as a gender perspective in all policies and programmes relating to children,~~

**Welcoming the entry into force of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict, (New)**

~~Reaffirming further the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for the Implementation of the World Declaration for the~~

---

<sup>20</sup> The text in normal style is the text of the 2001 CHR resolution on the rights of the child, the text in bold represents the additions by GRULAC, the text underlined represents the proposed amendments by the Sub-Group.

~~Survival, Protection and Development of the Child in the 1990s adopted in September 1990 by of the World Summit for Children, the United Nations Millennium Declaration (A/45/625, annex) and the Vienna Declaration and Programme of Action, which, inter alia, state that national and international mechanisms and programmes for the safeguard and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children, female infanticide, harmful child labour and the immediate elimination of its worst forms, sale of children and organs, child prostitution and child pornography, as well as other forms of sexual abuse, and which reaffirm that all human rights and fundamental freedoms are universal,~~(PP5 Res. 2001/75 amended and updated)

**Reaffirming all previous resolutions of the Commission on Human Rights related to the Rights of the Child, in particular its resolutions 2000/85 and 2001/75 and taking note with appreciation of General Assembly Resolution A/RES/56/138 of December 2001, (New)**

~~Welcoming the role work of the Committee on the Rights of the Child in examining the progress made by States parties in implementing the obligations undertaken in the Convention on the Rights of the Child, and in providing recommendations to States parties on its implementation and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in enhancing awareness of the principles and provisions of the Convention,~~ **in particular the conclusions of the general discussions on violence against children held in September 2000 and 2001, (PP6, 2001/75 updated)**

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, inadequate social and economic conditions in an increasingly globalized world economy, pandemics, in particular the human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for, **(PP7 Res. 2001/75)**

**Concerned because in conflict situations boys and girls continue to be victims and deliberate targets of hostilities with consequences that are sometimes irreversible for their physical and emotional integrity, (new)**

~~Alarmed by the reality of daily violations of children's rights, including the right to life, to physical security and to freedom from arbitrary detention, torture and any form of exploitation, as well as economic, social and cultural rights, as laid out in relevant international instruments,~~

~~Supporting the preparatory process for the special session of the General Assembly to be convened in September 2001 to follow up the World Summit for Children and encouraging States to participate actively therein in order to promote an effective review of progress made, as well as the identification of obstacles affecting the full implementation of the outcome of the World Summit, as a reaffirmation of their commitment to the rights of the child, and encouraging the establishment of forward-looking strategies, taking into account a strong child rights approach,~~

**Taking note of the progress made so far in the preparation for the Special Session of the General Assembly on Children, including in its outcome document, and reaffirming that at the Special Session, the General Assembly will make a renewed commitment to the rights of the child and consider future action for children in the forthcoming decade, taking into account a strong child rights approach, (PP9 Res. 2001/75 updated and amended by PP3 A/RES/56/138)**

Welcoming the integration of child-related issues into ~~the preparations for and the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in September 2001,~~ **into the outcome** ~~Stressing the importance of taking into account a child rights approach in the preparations for~~ of the special session of the General Assembly on HIV/AIDS ~~to be convened in June 2001 and the need for a concerted approach for children affected or infected by the pandemic, including those orphaned as a result of the HIV/AIDS pandemic, focusing in particular on the worst hit regions in Africa, and to give importance to the treatment, care and support of children infected by HIV/AIDS,~~ and Welcoming also **noting-welcoming** the **Global Commitment and its annexed regional outcomes** of the Second World Congress against Commercial Sexual Exploitation of Children held in Yokohama, Japan, in December 2001, **which reaffirmed the protection of the interest and rights of the child to be protected from all forms of sexual exploitation and recommitted to the "Stockholm Declaration and Agenda for Action and the regional consultation meetings, (PP10, PP11 y PP18 Res. 2001/75 merged and updated)**

Welcoming the reports of the Secretary General on the status of the Convention on the Rights of the Child, of the Special Rapporteur on the right to education, of the Special Rapporteur on the sale of children, child prostitution and child pornography, **of the Special Rapporteur on the Question of Torture (ref), of the Special Rapporteur on Extrajudicial, Arbitrary and Summary executions (ref), of the Special Rapporteur on Violence Against Women, its Causes and Consequences (ref)**<sup>21</sup>, of the Special Representative of the Secretary General on the impact of armed conflict on children to the General Assembly at its fifty-sixth session and to the Commission at its fifty - **eighth** session, and the report of the Secretary General on children and armed conflict,<sup>22</sup> **(PP11 Res.2001/75 updated)**

Reaffirming that the family is the fundamental group of society and the natural environment for the growth and well-being of children, and recognizing that children should grow up in a family environment and social atmosphere of peace, respect, happiness, love and understanding, **(PP 13 Res.2001/75),**

Concerned at the number of illegal adoptions, of children growing up without parents and of child victims of family and social violence, neglect and abuse, **(PP14. Res. 2001/75),**

~~Mindful of the commitments made by heads of State and Government and the targets identified in the United Nations Millennium Declaration pertaining to the realization, promotion and protection of the rights of the child,~~

Recognizing that partnership between Governments, international organizations, and relevant bodies and organizations of the United Nations system, in particular the United Nations Children's Fund **and the Office of the High Commissioner for Human Rights**, and all actors of civil society, in particular non-governmental organizations, as well as the private sector, is important to realize the rights of the child, **(PP16 Res.2001/75 amended)**

Welcoming the International Decade for a Culture of Peace and Non Violence for the Children of the World (2001-2010) and the Declaration and Programme of Action on a Culture of Peace, which serve as the basis for the International Decade, **(PP17 Res.2001/75),**

~~**Also reaffirming the universality and indivisibility of civil, political, economic, social and cultural rights, and the right to development, and the necessity to take into**~~

---

<sup>21</sup> **These rapporteurs, as asked by the CHR in previous resolutions, make reference to children in their reports and should be acknowledged.**

<sup>22</sup> In this paragraph we wait for references numbers

~~account this indivisible nature to promote and protect the human rights of the child (new)<sup>23</sup>~~

~~Recognising with concern that the situation of children in the world continues to present a particular vulnerability, and that in different ways and degrees violations of their fundamental human rights continue to exist (new)<sup>24</sup>~~

## I. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD AND OTHER INSTRUMENTS

1. Urges once again the States that have not yet done so to ~~consider signing~~ **sign and ratify** ~~ratifying~~ or to ~~acceding~~ **accede** to the Convention on the Rights of the Child as a matter of priority, with a view to reaching the goal of universal adherence, ~~and to consider signing and ratifying the Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography as a matter of priority so that they can enter into force as soon as possible, bearing in mind the convening of the special session of the General Assembly to follow up the World Summit for Children in September 2001;~~

**1.bis. Urges the States that have not yet done so to sign and ratify the Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (OP1 Res. 2001/75 amended),**

2. Reiterates its concern at the great number of reservations to the Convention, and urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them; **(OP 2 Res.2001/75)**

3. Calls upon States parties to implement the Convention fully and to ensure that the rights set forth in the Convention are respected without discrimination of any kind, that the best interests of the child are a primary consideration in all actions concerning children, to recognize the child's inherent right to life and that the child's survival and development is ensured to the maximum extent possible, and that the child is able to express his/her views freely in all opinions on matters affecting him/her and that these views are listened to and given due weight in accordance with his/her age and maturity; **(OP 3 Res.2001/75)**

4. Urges States parties to take all appropriate measures for the implementation of the rights recognized in the Convention, bearing in mind article 4 of the Convention, by strengthening relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent commissioners for the rights of the child; **(OP 4 Res.2001/75)**

4 bis. Expresses its concern about new legislative instruments being drafted with the European Union which are not compatible with the Convention on the Rights of the Child<sup>25</sup> and calls for the Human Rights criteria for accession to the EU and expressed in the 1993 Copenhagen Political Criteria to be interpreted as to include the rights of the child<sup>26</sup>;

---

<sup>23</sup> Already in para 10 bis with a stronger language

<sup>24</sup> Already included in the preamble, paragraph starting with "Profoundly concerned that the situation of children...."

<sup>25</sup> Article 24 of the Charter of Fundamental Rights of the European Union (2000/C 364/01) refers to the rights of the child in a more restrictive way than the CRC which is not mentioned as the referring instrument setting the standards on the rights of the child. The charter, in the event of becoming the constitution of the EU, will lower the agreed standards by the CRC.

<sup>26</sup> All EU Member States and all candidate countries are State Parties to the CRC

5. Calls upon States parties:

(a) To accept, as a matter of priority, the amendment to article 43, paragraph 2, of the Convention regarding the extension of the Committee on the Rights of the Child from ten to eighteen members;

(b) To ensure that the members are of high moral standing and recognized competence in the field covered by the Convention, serving in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems;

(c) **To closely co-operate with the Committee on the Rights of the Child and to (par. 6 Res. GA 55/79, February 2001)** comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention and to strengthen their cooperation with the Committee; **(OP 5 Res.2001/75)**

6. Requests the Office of the United Nations High Commissioner for Human Rights, United Nations mechanisms, all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and working groups regularly and systematically to include a child rights perspective in the fulfilment of their mandates, and calls upon States to cooperate closely with them; **(OP 6 Res.2001/75)**

7. Reaffirms the importance of ensuring adequate and systematic training in the rights of the child for law enforcement and other professions whose work has an impact on children, as well as coordination between various governmental bodies; **(OP 7 Res.2001/75)**

8. Calls upon all States to put an end to impunity, where applicable, for all crimes, including where children are victims, in particular those of genocide, crimes against humanity and war crimes, and to bring perpetrators of such crimes to justice; **(OP 8 Res.2001/75)**

9. Calls upon all States and relevant actors concerned to continue to cooperate with the special rapporteurs and special representatives of the United Nations system in the implementation of their mandates, requests the Secretary-General to provide them with appropriate staff and facilities from the United Nations regular budget, when this is in accordance with their respective mandates, invites States to continue to make voluntary contributions where appropriate, and urges all relevant parts of the United Nations system to provide them with comprehensive reporting to make the full discharge of the mandate possible; **(OP 9 Res.2001/75)**

10. Decides, with regard to the Committee, to request the Secretary General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, and invites the Committee to continue to enhance its constructive dialogue with the States parties and its transparent and effective functioning; **(OP 10 Res.2001/75)**

## II. PROTECTION AND PROMOTION OF THE RIGHTS OF THE CHILD

### Identity, family relations and birth registration

~~Reaffirming paragraph 15 of its resolution 2000/85 of 27 April 2000,~~

**10 bis. Calls upon all States to ensure that children be entitled to civil, political, economic, social and cultural rights, and the right to development without** |

discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status; (New. Art.2 CRC)

10.ter. Calls upon all States to use reliable statistics and statistical indicators at national, regional and international levels, in order to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realisation of the rights of the child<sup>27</sup>; (New. Copenhagen Declaration on Social Development 1995, Commitment 9)

11. Calls upon all States:

(a) To continue to intensify efforts to ensure the registration of all children, **including refugee, displaced and stateless children (new)** immediately after birth, including by the consideration of simplified, expeditious and effective procedures;

(b) To undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference and, where a child is illegally deprived of some or all of the elements of his or her identity, to provide appropriate assistance and protection with a view to re-establishing speedily his or her identity;

(c) To ensure as far as possible the right of the child to know and be cared for by his or her parents, and to ensure that a child shall not be separated from his or her parents against their will, except when the competent authorities, subject to judicial review, determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child, in conformity with article 9 of the Convention;

**d) To make all possible efforts to consider examine, prevent and resolve the cases of international-abduction of children within the country or across international borders, including<sup>28</sup> by one of their parents (new).**

**e) To take all appropriate measures, especially educational measures, with the aim of recognising the values of responsible parenthood, inherent to the legitimate right that every child holds to, as far as possible, know his or her parents and to be cared by them and to the principle that both parents have common responsibilities for the upbringing and development of the child (art. 18, CRC). ~~This protection may become part of the normative standards through legal means such as establishing a compulsory appeal to prove fatherhood on the presumption of the existence of family ties in the case of a refusal to prove this, with the subsequent civil responsibilities stemming from the fact<sup>29</sup>~~(new)**

**Poverty (new)**

**11 bis. Calls on all the States to:**

---

<sup>27</sup> The language should be made relevant to the rights of the child

<sup>28</sup> Abduction of children also occurs within countries and by other actors than parents

<sup>29</sup> The first part of the paragraph is detailed enough to suggest the responsibility of both the state and the parents vis-à-vis upbringing and development of the child. The second part suggests only one of the possible solutions to the problem of lack of parental responsibilities, and it implies that it is only fathers having the tendency of neglecting their children. While this is a very important problem, it is has to be adressed either in full, with all the possible options for parenthood proving (including, for example DNA test), but then risking to have a long list, or keep it general as to include all possible options.

~~a) implement, as central aims of every development initiative, policies aiming at the elimination of poverty, as it is one of the main obstacles to responding to the needs and guaranteeing the enjoyment of children's rights to ensure that eradication of poverty and reduction of disparities be a key objective of development efforts, keeping in mind that children are hardest hit by poverty because it strikes at the very roots of their potential for development<sup>30</sup>; and to ensure, inter alia, the enhancement of resources, international cooperation and child-sensitive policies;~~

**b) strengthen the resources and the international co-operation to guarantee the enjoyment of children's rights and promote their well-being, including the realisation of the objectives and strategies agreed upon at recent United Nations Conferences, in particular the Millennium Summit, which offer a favourable international framework for national strategies to reduce poverty (new)**

## Health

~~Reaffirming paragraphs 16 to 19 of its resolution 2000/85,~~

12. Calls upon all States to take all appropriate measures to develop sustainable and affordable health systems and social services and to ensure access to such systems and services without discrimination, and to pay particular attention to adequate food and nutrition to prevent disease and malnutrition, to prenatal and post-natal health care, to special needs of adolescents, to reproductive and sexual health and to threats from substance abuse and violence, to children in institutions and detention centres, and calls upon all States parties to take all necessary measures to ensure the right of all children, without discrimination, to the enjoyment of the highest attainable standard of health in accordance with article 24 of the Convention; **(OP 12 Res.2001/75)**

13. Also calls upon all States to give support and rehabilitation to children and their families affected by HIV/AIDS, to involve children and their caregivers, as well as the private sector, to ensure the effective prevention of HIV infections through correct information and access to affordable, voluntary and confidential care, treatment and testing, giving due importance to the prevention of mother-to-child transmission of the virus; **(OP 13 Res.2001/75)**

## Education

~~Reaffirming paragraphs 20 and 21 of its resolution 2000/85,~~

14. Calls upon all States:

(a) To recognize the right to education on the basis of equal opportunity by making primary education free and compulsory to all and ensuring that all children, including girls, children in need of special protection and indigenous children and children belonging to minorities, have access without discrimination to education of good quality, as well as making secondary education generally available and accessible to all, and in particular by the progressive introduction of free education, bearing in mind that affirmative action contributes to achieving equal opportunity and combating exclusion, and that the education of the child is carried out and that States parties develop and implement programmes for the education of the child in accordance with articles 28 and 29 of the Convention on the Rights of the Child;

(b) To take all appropriate measures to prevent racism and discriminatory and xenophobic

---

<sup>30</sup> Agreed text of the UNGASS on children outcome document, para 18.

attitudes and behaviour, through education, keeping in mind the important role that children play in changing these practices;

(c) To ensure that children, from an early age, benefit from education and from participation in activities which develop respect for human rights and emphasize the practice of non-violence with the aim of instilling in them the values and goals of a culture of peace; **(OP 14 Res.2001/75)**

**(d) To urge states to prohibit the use of corporal punishment in all schools, including military schools, and to take measures to protect students from violence, injury, or abuse, including sexual abuse and to establish, with the participation of children, complaint mechanisms that are accessible to children, and undertake thorough and prompt investigations of all acts of violence and discrimination; (New)**

~~15. Reaffirms the Dakar Framework for Action adopted by the World Education Forum in April 2000 and calls for its full implementation, and in this regard invites the United Nations Educational, Scientific and Cultural Organization to continue to implement its mandated role in coordinating Education for All partners and maintaining their collaborative momentum;~~

~~16. Notes with interest the recent adoption by the Committee on the Rights of the Child of General Comment No. 1 (2001) on the aims of education (art. 29, para. 1, of the Convention), as well as the adoption of general comments as a means of cooperating with States parties in the implementation of the Convention;~~

#### **Environment (new)**

**16 bis. Calls on all States to take appropriate administrative, educational and legal measures to guarantee to the present and future generations, the enjoyment of a healthy environment which guarantees their quality of life, taking particularly into account indigenous and rural community children whose development and way of life is more directly dependant on natural resources (new).**

#### **Freedom from violence**

~~Reaffirming paragraphs 22 to 24 of its resolution 2000/85,~~

~~17. Notes with appreciation the initiative of the Committee on the Rights of the Child on State violence against children, welcomes the upcoming general discussion in September 2001 on the theme of violence suffered by children in schools and within the family, and welcomes the recommendation by the Committee that the Secretary General should be requested, through the General Assembly, to conduct an in-depth study on the issue of violence against children, inter alia the different types of violent treatment of which children are victims, to identify their causes, the extent of such violence and its impact on children, and to put forward recommendations for action, including effective remedies and preventive and rehabilitation measures;~~

**17 bis. Welcomes the request by the General Assembly that the Secretary General conduct an in-depth study on violence against children and urges him to appoint an independent expert and to request the Office of the High Commissioner for Human Rights to participate in the realisation of the study; decides to consider this the progress report of the study during its 59<sup>th</sup> session with the aim of evaluating possible complementary measures and future actions, including the establishment of a special procedure on the matter; urges, for the purpose of the study, that the Secretary General take into account the recommendations of the Committee on the Rights of the Child made following its two General Discussion days on violence against children**

and the Outcome of Special Session of the General Assembly on Children, and to request the ~~opinions~~ support and contribution of Member States, United Nations bodies, other intergovernmental bodies, including the Committee on the Rights of the Child, UNICEF, WHO and NGOs (OP 17 Res. 2001/75 modified, Resolution A/RES/56/138 of December 2001 and recommendations of the Committee on the Rights of the Child of the days of general discussion on violence against children).

18. Calls upon all States to take all appropriate national, bilateral and multilateral measures to prevent and protect children from all forms of physical, sexual and psychological violence, ~~against children occurring, inter alia, in the family, in public or private institutions, in the community in general or perpetrated or violence that is perpetrated or tolerated by private individuals, juridical persons or the State (OP 18. Res.2001/75, amended)~~ and to protect them from torture and other forms of violence, physical violence including domestic violence, child abuse, mental and sexual violence, abuse by the police and other law enforcement authorities or by employees in juvenile detention centres, orphanages, childcare institutions and others, as well as violence in the street and in schools;

**18.bis** Requests that all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, pay attention to the special situation of violence against children, reflecting their experience in the field; (New, OP23 Res. GA 55/79)

19. Also calls upon all States to investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices; (OP 19 Res.2001/75)

### III. NON-DISCRIMINATION

**19.bis.** Notes with concern the large number of children, particularly girls, among the victims of racism, racial discrimination, xenophobia and related intolerance, ~~including African children and children of African descent, indigenous children, migrant children and refugee children<sup>31</sup>~~, and stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, in order to give priority attention to the rights and the situation of children who are victims of these practices; (New. OP 72 Durban Declaration, amended)

20. Calls upon all States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist not to deny to a child belonging to such a minority or who is indigenous the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language; (OP 20, Res. 2001/75)

#### The girl child

~~Reaffirming paragraphs 26 to 28 of its resolution 2000/85,~~

21. Calls upon all States to take all necessary measures, including legal reforms where appropriate:

---

<sup>31</sup> The list is not inclusive (it does not include, for example, roma, ethnic and religious minorities) and it is considered to be better not to list any particular group to avoid discriminating against the ones who are not listed.

(a) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms and to base programmes and policies for the girl child on the rights of the child, **and to take into account in all programmes and policies related to children the best interest of the child and the special needs of girls** and to make gender disparities visible;

(b) To eliminate all forms of discrimination against girls, and all forms of violence, **including female infanticide, rape, sexual abuse** and harmful traditional or customary practices, including female genital mutilation, the root causes of son preference, marriages without free and full consent of the intending spouses and early marriages, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girl, taking into account girls' views and empowering them in their implementations; (OP 21. Res.2001/75 amended. Report of the Special Rapporteur on Violence against women E/CN.4/2001/73, 2001).

(c) To give support to local NGOs targeting discriminatory attitudes towards girls, gender stereotypes and gender discrimination through community based approaches;

## Children with disabilities

~~Reaffirming paragraph 29 of its resolution 2000/85,~~

22. Calls upon all States to take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities and their families with disabilities and, particularly taking into account those living in poverty, where necessary, to develop and enforce legislation ~~against their discrimination~~ to ensure dignity, promote self-reliance protect against discrimination, ensure fully supported and facilitate the child's active participation in the community, including adequate and effective access to education and their communities of good quality for children with disabilities and their parents, taking into account the situation of children with disabilities living in poverty; (OP 22. Res. 2001/75)

22a. Calls upon states to provide assistance to families in caring for children with disabilities, to take steps to deinstitutionalize children with disabilities, and to reallocate resources now used for institutional care to develop alternative humane, non-discriminatory alternatives, including care by the extended family or foster care;

22 b. Also calls upon States to take all necessary measures to ensure protection from violence and abuse for all children with disabilities, through legislation, policies and services which uphold those children's right to life and inclusion in society<sup>32</sup>;

## Migrant children

~~Reaffirming paragraph 30 of its resolution 2000/85,~~

~~23. Calls upon all States to ensure, as appropriate, school access to migrant children, especially those who are unaccompanied, as well as access to the highest attainable standard of social services, particularly access to and provision of health care;~~

---

<sup>32</sup> The research has shown that disabled children are more likely to experience episodes and multiple forms of abuse than their non-disabled peers and are four times more likely to be neglected and physically abused and over three times more likely to be emotionally abused.

23bis. Calls upon all States to ensure, ~~as appropriate, school access to~~ for migrant children, **the enjoyment of human rights** especially those who are unaccompanied, ~~as well as access to the highest attainable standard of social services, particularly access to and provision of health care;~~ as well as including unrestricted access to social services, ~~and~~ education and health care. States should ensure that migrant children, in particular victims of violence and exploitation, and especially those who are unaccompanied receive special protection and assistance, including effective procedures for identification, reporting, referral, investigation, treatment, and follow-up of instances of maltreatment<sup>33</sup>. (OP 23. Res.2001/75, amended).

#### IV. PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN IN PARTICULARLY DIFFICULT SITUATIONS

##### Children working and/or living on the street

~~Reaffirming paragraph 31 of its resolution 2000/85,~~

24. Calls upon all States to prevent arbitrary and summary executions, torture, all kinds of violence against and exploitation of children working and/or living on the street and other violations of their rights, and to bring the perpetrators to justice, to adopt and implement policies for the protection, **social and psychosocial** rehabilitation and reintegration of these children, and to adopt economic, ~~and~~ social and **educational** solutions-strategies to address the problems of children working and/or living on the street; (OP 24. Res. 2001/75)

##### Refugee and internally displaced children

~~Reaffirming paragraph 32 of its resolution 2000/85,~~

~~25. Calls upon all States to protect refugee children, unaccompanied children seeking asylum and internally displaced children, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation, and wherever possible, local integration and resettlement, to give priority to family tracing and reunification, and, where appropriate, to cooperate with international humanitarian and refugee organizations;~~

**25 bis. Calls upon all States:**

**(a) And other parties to armed conflicts to bear in mind that refugee and internally displaced children are particularly exposed to risks in connection with armed conflicts, such as being recruited in violation of international standards or subjected to sexual violence, abuse or exploitation, and stresses the special vulnerability of unaccompanied refugee and internally displaced children, and calls upon Governments and United Nations bodies and organizations to give those situations urgent attention, enhancing protection and assistance mechanisms;**

**(b) To increase protection of refugee and internally displaced children, including through policies for their care, well-being and development, in such areas as health, education and psychosocial rehabilitation, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the Representative of the Secretary-General on internally displaced persons and the International Committee of the Red**

---

<sup>33</sup> [Article 19 of the CRC](#)

**Cross and the International Federation of Red Cross and Red Crescent Societies, in accordance with their obligations under the Convention on the Rights of the Child;**

**(c) And United Nations bodies and agencies, in coordination with other international humanitarian organizations such as the International Committee of the Red Cross, to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification, and to pay particular attention to the special protection needs of children with a view to developing programmes for voluntary repatriation, local integration and resettlement;**

**(d) To cooperate with and assist the Representative of the Secretary-General in his ongoing efforts to pay specific attention to the special needs of children; (OP32. Res. 2000/85);**

(e) And UN bodies and agencies, in coordination with other international humanitarian organizations, to ensure the full and effective implementation of policies for refugee and IDP children to protect them from all forms of exploitation through (i) their participation in the identification of protection problems and proposals for possible solutions; (ii) training of all relevant staff in issues and methods of child protection using the ARC capacity building materials developed specifically for this purpose; and (iii) developing codes of conduct for staff behavior and impartial, accessible and safe complaints procedures as well as mechanisms for prompt action.

### **Child labour**

~~Reaffirming paragraphs 33 and 34 of its resolution 2000/85,~~

26. Calls upon all States to translate into concrete action their commitment to the progressive and effective elimination of child labour, including the most invisible forms of child labour, that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, and to the immediate elimination of the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, as well as to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour; **(OP26. Res. 2001/75)**

27. Calls upon all States that have not yet done so to consider ratifying **and implementing** the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organisation, **and calls upon those States that have ratified it to effectively implement it ; (OP27. Res. 2001/75, amended)**

### **Children alleged to have or recognized as having infringed penal law**

~~Reaffirming paragraphs 35 and 36 (a) and (d) of its resolution 2000/85,~~

28. Calls upon:

(a1) All States to establish and maintain child-sensitive juvenile justice system, including in post-conflict situations, separate from adults, where children's dignity and worth are promoted and their education, rehabilitation and social reintegration is the primary focus, compatible with the provisions of the Convention on the Rights of the Child and elaborated in

the UN Rules and Guidelines on Juvenile Justice, and urges the international community to support such efforts, including with financial and technical assistance<sup>34</sup>;

~~(a) The Governments of all States, in particular States in which the death penalty has not been abolished, to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 37 and 40 of the Convention on the Rights of the Child and articles 6 and 14 of the International Covenant on Civil and Political Rights, keeping in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989;~~

**a) States that retain the death penalty for juvenile offenders to abolish by law as soon as possible the death penalty for those aged under 18 at the time of the commission of the offence and, in the meantime, to remind their judges that the imposition of the death penalty against such offenders is in violation of customary international law; (New, Res. Sub Commission on Human Rights 2000/17)**

(b) All States to take appropriate steps to ensure compliance with the principle that depriving children of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children are separated from adults, and from other child detainees according to their age, sex and convicted status, to the greatest extent feasible, unless it is considered in their best interest not to do so, and also to take appropriate steps to ensure that no child ~~in detention~~ is sentenced to life imprisonment, forced labour, corporal punishment or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, ~~and~~ basic instruction **and vocational training**, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention on the Rights of the Child;

(b2) All States to ensure that children in need of protection, including migrant children, children who have run away from or been abandoned by their parents, children not in school, trafficked children, are not treated as offenders on the basis of their status or circumstances and are provided appropriate care and assistance;

(b3) Calls on States to review their national legislation, in particular to ensure that any military law, national security, state security, counter-terrorism or similar laws under which children or juveniles could be tried, are compatible with the provisions of the Convention on the Rights of the Child and the international standards on juvenile justice.

**28. bis. Welcomes the decision of the Sub-Commission on Promotion and Protection of Human Rights (E/CN.4/Sub.2/DEC/2001/103) to request Mr. Louis Joinet to update, without financial implications, his interim report on the evolution of the administration of justice through military tribunals, and urges him to include issues in relation to children and juveniles, both civilian and military, in this, taking into account the Convention on the Rights of the Child and the international standards on juvenile justice. (New, Dec. Sub Commission on Human Rights 2001/103)**

## V. PREVENTION AND ERADICATION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

~~Reaffirming paragraphs 37 to 42 of its resolution 2000/85,~~

29. Calls upon all States:

---

<sup>34</sup> This para sets out the background and principles for the following ones.

(a) To take all appropriate national, bilateral and multilateral measures, inter alia to develop national laws **and allocate resources for the development of long term and sustainable** policies, programmes and practices and to collect comprehensive and disaggregated gender-specific data, to facilitate the participation of child victims of sexual exploitation in the development of strategies and to ensure the effective implementation of relevant international instruments concerning the prevention and the combat of trafficking and sale of children for any purpose or in any form, including the transfer of the organs of the child for profit, child prostitution and child pornography, and encourages all actors of civil society, the private sector and the media to cooperate in efforts to this end;

(b) To increase cooperation at all levels to prevent and dismantle networks trafficking in children and to ratify and implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(c) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, **the sale of children and their organs**, and the use of the Internet for these purposes, while ensuring that children not be criminalized for the exploitation of which they were victims<sup>35</sup>, in the treatment by the criminal justice system of children who are victims, the best interests of the child shall be a primary consideration, and to take effective measures to ensure prosecution of offenders, whether local or foreign, by the competent national authorities, either in the offender's country of origin, **or in the country where the crime was committed**, or in the country of destination, in accordance with due process of law;

(d) To combat the existence of a market that encourages such criminal practices against children, including through **the adoption and effective application of** preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children **as well as ensuring public awareness, and encourage authorities, including through employment contracts, to dismiss any public servant who sexually exploit children, facilitate or get profit from such exploitation;**

**e) To afford the greatest measure of assistance in connection with investigations or criminal or extradition proceedings related with these criminal activities. (New. OP 6.1 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography)**

**f) To adopt a holistic approach and to co-operate at the international level, addressing the contributing factors to the proliferation of these activities, in particular underdevelopment, poverty, economic disparity, dysfunctional families, lack of education and irresponsible adult sexual behaviour, and other factors contributing to the existence of demand for these activities (New. PP 7 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography)**

**30. Requests that the Special Rapporteur on the sale of children, child prostitution and child pornography submit a report to the Commission at its fifty-ninth session, taking**

---

<sup>35</sup> In no way a child victim of commercial sexual exploitation should be considered as an offender/criminal. This is a clear indication that it is the very exploitation children may be submitted to, which must not be criminalised. And that this doesn't mean exemption from children's responsibility from other "crimes". National legislations which criminalise prostitution rarely include special provisions for persons under 18.

into account the opinions of the States, the relevant UN organisations and agencies and NGOs; (OP 30, Res. 2001/75, amended)

## VI. PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

~~Reaffirming paragraphs 43 to 56 of its resolution 2000/85,~~

~~31. Notes the importance of the third debate held by the Security Council, on 26 July 2000, on children and armed conflict and the undertaking by the Council to give special attention to the protection, welfare and rights of children when taking action aimed at maintaining peace and security, and reaffirms the essential role of the General Assembly and the Economic and Social Council for the promotion and protection of the rights and welfare of children;~~

31.bis Reaffirms the essential role of the General Assembly, the Economic and Social Council **and the Commission on Human Rights** for the promotion and protection of the rights and welfare of children, **including children in armed conflicts**, and takes note of the importance of the **forth** debate held by the Security Council, **on 10 November 2001**, on children and armed conflict, **of the resolution 1379 (2001) of the Security Council** and the undertaking by the Council to give special attention to the protection, welfare and rights of children **in armed conflicts, when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations as well as the inclusion of child protection advisers in these operations, to call on parties to a conflict to protect and assist children, and requesting the Secretary-General to attach to his report to the Council a list of parties to armed conflict that recruit or use children in violation of the international obligations applicable to them, in situations that are on its agenda or may be brought to its attention by the Secretary-General;**

~~32. Notes with appreciation the Agenda for War-Affected Children adopted by the International Conference on War-Affected Children, held in Winnipeg, Canada, in September 2000, and efforts by regional organizations, in particular the Organization for Security and Cooperation in Europe, the European Union, the Economic Community of West African States, the Organization of American States and the Organization of African Unity, to include prominently the rights and protection of children affected by armed conflict in their policies and programmes;~~

**32bis Stresses the continuing importance of the Plan of Action on Children Affected by Armed Conflict of the International Red Cross and Red Crescent Movement, and the resolution on this subject of the 27<sup>th</sup> International Conference; (New)**

33. ~~Notes~~ Welcomes the adoption of the Rome Statute of the International Criminal Court (A/CONF.183/9), in particular the inclusion therein, as a war crime, of conscripting or enlisting children under the age of fifteen years or using them to participate actively in hostilities in both international and non-international armed conflicts; **(OP 33 Res. 2001/75)**

34. Calls upon States:

(a) To end the use of children as soldiers ~~contrary to obligations assumed under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and other relevant international human rights instruments;~~

(b) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under eighteen years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

- (c) To ensure that children are not forcibly or compulsorily recruited into their armed forces;
- (d) To take all feasible measures to prevent recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practices; **(OP 34 Res. 2001/75)**

35. Calls upon:

(a) All States and other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977;

(b) All States and relevant United Nation bodies and agencies and regional organizations to integrate the rights of the child into all activities in conflict and post-conflict situations and to facilitate the participation of children in the development of strategies in this regard, making sure that there are opportunities for children's voices to be heard;

(c) All States and relevant United Nations bodies to continue to support national and international mine action efforts, including through financial contributions, mine awareness programmes, mine clearance, victim assistance and child-centred rehabilitation, taking note of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and welcomes the positive effects on children of concrete legislative and other measures with respect to anti-personnel mines, and also taking note of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Amended Protocol II) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and the implementation of these instruments by those States that become parties to them; **(OP 35 Res. 2001/75)**

36. Recommends that, whenever sanctions are imposed in the context of armed conflict, their impact on children be assessed and monitored and, to the extent that there are humanitarian exemptions, they be child-focused and formulated with clear guidelines for their application, in order to address possible adverse effects of the sanctions, and reaffirms the recommendations of the General Assembly and the International Conference of the Red Cross and the Red Crescent;

## VII. RECOVERY AND SOCIAL REINTEGRATION

~~Reaffirming paragraph 57 of its resolution 2000/85,~~

**37. Encourages States to cooperate, including through bilateral and multilateral technical cooperation and financial assistance, in the implementation of their obligations under the Convention on the Rights of the Child, including in the prevention of any activity contrary to the rights of the child to promote the physical and psychological recovery of a child victim of any form of neglect, exploitation, violence, abuse, sale, prostitution, pornography, child sex tourism, torture or any other form of cruel, inhuman or degrading treatment or punishment, or armed conflicts discrimination and forced repatriation, and in the his or her rehabilitation and social integration of the victims, and calls for such assistance and cooperation to be undertaken in consultation among concerned States and other relevant international organizations and actors, including children; (OP 37 Res. 2001/75 amended by art. 39 CRC and art. 10.2 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography).**

## VIII.

38. Decides:

- (a) To request the Secretary-General to submit to the Commission at its fifty-~~eight~~ **ninth** session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and on the problems addressed in the present resolution;
- (b) To continue its consideration of this question at its fifty-~~eight~~ **ninth** session under the same agenda item. **(OP 38. Res. 2001/75, updated)**

**Annex iv**  
**Children's Human Rights Caucus position paper**

COMMISSION ON HUMAN RIGHTS  
58<sup>TH</sup> SESSION

CHILDREN'S RIGHTS CAUCUS<sup>36</sup>

It is of great concern to the Caucus that the EU is considering postponing consideration of the Resolution on the Rights of the Child until the 59<sup>th</sup> session of the Commission and adopting only a procedural resolution. We are given to understand that the EU believes that the UN Special Session on Children, which is due to take place in May this year, will cover the issues that would be covered by the resolution. The Caucus believes that this is an untenable position for the following reasons:

1. By failing to adopt a resolution the Commission would be showing a lack of commitment to the rights of children worldwide.
2. There is no precedent for the Commission not adopting a resolution on a particular issue on the basis that it is the subject of a UN conference. It would have been inconceivable for the Commission not to adopt a resolution on the rights of women in 1995 on the basis that the UN World Conference on Women was taking place in Beijing.
3. As the main UN body dealing with human rights, the Commission has the responsibility to monitor all human rights, including those of children. The Commission should ensure that the universally guaranteed and accepted rights of children are not reduced.
4. Furthermore, universal ratification of the Convention on the Rights of the Child does not translate into universal respect for the rights of the child. Therefore Commission is required to alert UN member States to violations and urge them to fulfil their obligations under the CRC and other international human rights instruments.
5. There are a range of issues pertaining to the rights of the child, including the endorsement by the General Assembly of a global study on violence against children which should be promoted by the Commission.
6. The argument that the UN Special Session has not yet taken place is irrelevant to the Commission adopting a resolution on the rights of the child for the following reasons:
  - 6.1 The Special Session outcome document does not cover the whole range of rights in the CRC and other international standards;
  - 6.2 The paragraphs of the outcome document that have already been agreed move away from the existing standards on the rights of the child;
  - 6.3 It is imperative that the Commission calls on States to renew their commitment to the rights of the child at the Special Session and implement plans of action for realisation of these rights.

---

<sup>36</sup> The Child Rights Caucus at the Commission on Human Rights comprises of NGOs that work on child-related issues, which meets on a daily basis to monitor and contribute to the work of the Commission. Observers, including UN agencies, regularly attend the Caucus meetings. One of the main objectives of the Caucus is to ensure that the Commission gives due attention to child rights in its deliberations and that its different country and thematic resolutions include reference to children.

**Annex v**  
**UN Study on Violence Against Children**  
**NGO Position Paper**  
**April 2002**

Child rights NGOs welcome the General Assembly's request (A/Res56/138) that the Secretary General conduct an in-depth study of violence against children and view it as a unique opportunity to expose the extent of the problem and identify safeguards to better ensure protection of children from violence. The UN Committee on the Rights of the Child proposed the study following its two general discussion days on violence against children in 2000 and 2001.

Child rights NGOs strongly support the Committee recommendations that the study should document as comprehensively as possible different types of violence against children - this refers to the 'different types' causes and impact on children, adults and societies. We agree that the study's aim should be to make violence to children visible as an essential step towards reducing and ending it, and that it should include the development of strategies to effectively prevent and combat all forms of violence against children.

In its recommendation to the GA, the Committee states that the study "should be as thorough and influential as the report of the expert of the Secretary-General, Mrs. Graça Machel, on the impact of armed conflict on children (see A/51/306)."

In order to achieve this, we believe certain factors are critical:

1. The study should be based on the Convention on the Rights of the Child and other relevant international standards; and its mandate and scope should be in accordance with the Committee's recommendations following its two general discussion days.
2. The appointment of an independent expert to lead the study – a person with a strong record in children's rights who is well respected and able to serve as a public advocate for the study, and for children affected by violence.
3. The establishment of a separate secretariat for the study led by the independent expert and sufficiently funded to carry out its task. An independent secretariat would facilitate the contributions of partners and provide a single focal point for experts and NGOs.
4. The meaningful involvement of children in the study and in strategising and promoting actions to challenge violence against children. The Committee has stressed that in conceptualising violence, the critical starting point and frame of reference must be the experience of children themselves.
5. Clear avenues for NGO participation in the study, in order to draw on our considerable experience and knowledge relating to violence against children, through a formal advisory group.

We recognize and warmly welcome the support for the study from UNICEF, the High Commissioner for Human Rights, the World Health Organization, and other UN bodies. Each will be an essential contributor to the study and their active involvement and support will be key to the study's success. As the UN's lead agency for children, UNICEF will have a particularly important role to play.

The undersigned non-governmental organizations are members of the NGO Group for the Convention on the Rights of the Child and/or of the Caucus on violence against children – created in response to the UN General Assembly Special Session on Children. We believe the study has the potential to bring about real improvements in the ways children are treated and we wholeheartedly offer our assistance to it.

Anti-Slavery International  
Associação de Apoio à Criança em Risco  
Casa Alianza  
Child Rights Advisory and Legal Centre (CRADLE)  
Children at Risk Foundation  
Christian Children's Fund  
Coalition to Stop the Use of Child Soldiers  
Consortium for Street Children  
Covenant House  
Defence for Children International  
European Association for Children in Hospital (EACH)  
European Network of Street Children Worldwide (ENSCW)  
Global Initiative to End all Corporal Punishment  
Human Rights Watch  
International Alliance of Women  
International Association of Youth and Family Judges and Magistrates  
International Catholic Child Bureau (BICE)  
International Childcare Trust  
International Council of Women  
International Federation of Social Workers  
International Federation Terre des Hommes  
International Save the Children Alliance  
International School Psychology Association (ISPA)  
International Social Service  
Open Family Australia  
Women's World Summit Foundation  
World Association of Girl Guides and Girl Scouts  
World Organisation Against Torture (OMCT)  
World Union of Catholic Women's Organisations  
World Vision Canada  
World Vision International  
World Vision UK  
Y Care International  
Young Women Christian Association

**Annex vi**  
**Letter to the Chair of the Commission on Human Rights**

**NGO Group for the Convention on the Rights of the Child**  
**Sub-Group on the Commission on Human Rights**

Ambassador Krzysztof Jakubowski  
Chairman of the Commission on Human Rights  
Permanent Mission of Poland  
Ch. de l'Ancienne Route 15 - CP 126  
1218 Geneva

Geneva, 29 May 2002

Your Excellency,

I am writing you on behalf of the NGO Group for the Convention on the Rights of the Child. The NGO Group brings together a variety of organizations into a co-operative network with the main objective of facilitating the promotion, implementation and monitoring of the Convention on the Rights of the Child. Many members of the NGO Group are also engaged in advocacy on child rights at the Commission on Human Rights and during the past few CHR sessions they have co-ordinated their efforts through a Children's Rights Caucus.

We acknowledge your commitment as Chairman of the current Commission on Human Rights and your efforts in chairing the latest session. We know that it proved to be very arduous and demanding, considering the ongoing and emerging issues on the international human rights agenda as well as substantive and procedural difficulties.

As other NGOs have pointed out, the reorganisation of the timetable and the clustering of different items coupled with the reduction of speaking time, while responding to contingent needs, proved to be detrimental for the discussion on the whole. In particular, I would like to draw your attention to the effects of the clustering of item 12 (Integration of the human rights of women and the gender perspective) and 13 (the rights of the child).

From a mere conceptual point of view, putting "women and children" back together for discussion does away with decades of international conferences and debates at the UN and in other fora which finally recognised both women and children as distinct subjects of human rights. All these discussions led to the recognition that there is a fundamental difference between the rights and needs of children and women and that these differences need to be addressed within a different framework. Children, as all human beings, are entitled to enjoy all human rights but they are also entitled to certain specific rights and a much greater level of protection in addition to fundamental human rights. While this might also be the current situation for women, it is hoped that once gender equality in the enjoyment of human rights is achieved, women will no longer be in need of specific rights. There are certainly some issues such as reproductive health rights and the right not to be trafficked or sexually exploited that are common to both women and children, nevertheless it is undeniable that the debate on women's and children's rights has taken place in separate arenas.

Secondly, the idea of children being innately coupled with women might convey the limited notion that, on the one hand, children are first of all in need of protection by women and that they are not entitled to human rights as individuals contrary to the ethos of the Convention on the Rights of the Child. On the other hand, it also implies that protection of children has to be primarily guaranteed via (female) adults without calling for a direct responsibility of the state vis-à-vis children.

Finally, it depicts women as a vulnerable group in need of protection, defenceless and deserving specific attention rather than the right to enjoy equal human rights. This seems to run against different resolutions by the Commission on Human Rights itself, recommending the integration of gender perspective in its work and in the work of the Office of the High Commissioner for Human Rights.

Furthermore and in practical terms, the clustering of the two items combined with the reduction of speaking time resulted in government statements in which issues regarding women and children were addressed either jointly, prioritising violations of human rights simultaneously affecting women and (female) children such as trafficking, or one to the detriment of the other, with women's rights having received on the whole more attention than children's. Additionally, another result was the neglect of the rights of boys in the statements. Such an arrangement might have also allowed some governments to avoid talking about violations of children's and women's rights, claiming the need for succinctness.

The NGO Group for the Convention on the Rights of the Child is confident that the reorganisation of the timetable and the clustering of items, and in particular items 12 and 13, was an ad hoc response to the difficulties encountered by the Commission during this year's session. We are equally hopeful that the Bureau of the Commission will make all possible efforts to avoid using the reorganisation of the timetable of the 58<sup>th</sup> session as a precedent for future sessions and to guarantee that the Commission will be able to continue monitoring human rights of women and children under separate items.

Should you require any further information, please do not hesitate to contact me.

I thank you in advance for giving consideration to our concerns and I look forward to hearing from you.

Yours sincerely,

Roberta Cecchetti  
Sub-Group Convenor  
c/o World Organisation Against Torture (OMCT)  
8, Rue du Vieux-Billard  
1211 Geneva 8

phone : +41-22-809.49.39

fax : +41-22-809.49.29

e-mail : rc@omct.org

**Annex vii**  
**Report on panel discussion on the UN Study on Violence against Children**

**NGO Group on the CRC**  
**Sub-Group on the Commission on Human Rights**

*Report on the panel discussion at the CHR on the “UN Study on Violence Against Children: perspectives, opportunities, challenges”*

The panel discussion was organized by the Sub-Group on the Commission on Human Rights and it took place on 11 April 2002, at Palais des Nations, Geneva.

**Aim**

The idea of the panel was to have a preliminary perspective of the three UN agencies who have already expressed their interest in being involved in the study and that of NGOs. The aim was to start attract attention and raise awareness around the issue, trying to take advantage of the fact that lots of governments, NGOs, UN agencies and observers were present during the session of the CHR.

**Speakers** included *Paulo David* - Secretary, UN Committee on the Rights of the Child, **OHCHR**, *Marta Santos Pais* - Director, **UNICEF** Innocenti Research Centre, *Dr Andres Villaveces* - Department of Injuries and Violence Prevention, **WHO**, *Peter Newell* - Joint Coordinator, **Global Initiative to End All Corporal Punishment** and *Jo Becker* - Policy Director, Children’s Rights Division, **Human Rights Watch**. The panel was moderated by *Roberta Cecchetti* – Convenor of the Sub-Group, Children’s Rights Programme Manager, World Organisation Against Torture (**OMCT**).

An **NGO position paper** was prepared by the Sub-Group for the meeting, highlighting five major factors deemed to be necessary for the success of the study:

- Basing the study on the Convention on the Rights of the Child and the recommendations of the Committee;
- Appointment of an independent expert;
- Establishment of an independent secretariat;
- Meaningful participation by children;
- Involvement of NGOs.

The position paper has been subscribed by more than 30 NGOs.

**Summary of discussions**

The meeting brought together about 60 participants from UN agencies, governments and NGOs. The panellists addressed the scope and process of the study on VAC. The three UN agencies re-committed to the study and expressed their consensus that the appointment of an internationally respected independent expert to conduct the study is essential for its credibility, visibility and political weight.

There was also the recognition that the resolution of the General Assembly, by the fact of being short, leaves open the scope and contents of the Study.

**Paulo David** underlined the following points:

- the need to have the study framed by the CRC and other human rights treaties and standards
- the need to involve the expertise of other UN human rights mechanisms, especially the Special Rapporteurs of the CHR
- the need to keep the Committee on the Rights of the Child involved

**Marta Santos Pais** highlighted the following elements:

- The CRC as laying the foundation of the development of the study and the conclusions and recommendations adopted by the CRC Committee as the key reference
- Confident that the study will be informed by the process of UNGASS on children (End Decade Review as a rich sources of information; SG's report containing important recommendations on VAC)
- Protection of children from violence, abuse and exploitation as one of the five UNICEF priorities for the next four years
- The study as an opportunity to create wider understanding on VAC and to mobilize the international community, including by associating in the process all relevant actors, including children

**Dr Andrés Villaveces** stressed:

- The importance of fostering primary prevention activities and orient them with research aimed at decreasing the burden of injuries in health
- The importance of evaluating and raising awareness on child abuse and neglect costs to individuals and to society as essential for preventing violence; of having standardized systems of data collection for assessing child abuse and neglect events, and of rendering data more policy-oriented
- The first World-Report on Violence and Health, in which over one hundred researchers from around the world address the issue of violence and with some specific chapters on violence against children, will be published in October 2002.
- Violence against children has harmful health consequences, and that a violation in one stage of a child's life, in which the child is the victim, can cause a violation in another stage, in which the child can become a perpetrator of violence. He therefore stressed the importance of looking at violent events from early in life unto later stages so as to include the study of youth violence, sexual violence, and school violence.

**Peter Newell** highlighted few issues around the scope and content of the study

- The recommendations of the CRC Committee as the basis for the scope of the study
- A definition of violence will be needed at some point but this should not happen too early if the study has to achieve the comprehensiveness desired by the Committee.
- The study needs to cover "mental" violence as well as physical, it will have to address structural issues (eg inequality and poverty), should address deliberate violence as well as violence arising from neglect and should bridge the divide between "state" and "private" violence
- The study should aim at render visible all the scale and types of violence experienced by children, boys and girls, of all ages in all settings or contexts, taking into account the non-discrimination principle
- The study should give priority to areas where violence remains almost invisible, such as violence to babies and very young children, violence of all kinds within the family, violence suffered by disabled children, traditional practices, suicide and self-harm, "justifications" for violence
- Other major areas for the study include identifying causes and contributing factors, effects of violence against children, surveying mechanisms for remedying breaches of children's rights to protection, VAC as a key root cause of much global violence, recommendations for action

**Jo Becker** covered the process of the Study

- Special Expert to conduct the study in order to enhance visibility of the study, and provide an identifiable spokesperson and public advocate for both the study and the broader issue of VAC
- Full participation by UN bodies: UNICEF, OHCHR, WHO as well as others such as ILO, UN Centre for Crime Prevention
- Independent secretariat for its staff to be directly accountable to the special expert and not to the various agencies and to provide a single focal point for additional experts and NGOs

- Adequate Funding from voluntary contributions for both staff and for possible field visits and regional consultations
- Participation by children: children must be meaningfully involved in the study, in articulating how they experience violence and in providing input on effective strategies to end it. Child-led organizations should have equal status to other NGOs.
- Clear avenues for NGO participation: a formal NGO advisory group should be established to involve NGOs and facilitate their input

## Annex viii: Timetable of the Children's Human Rights Caucus Meeting

### MARCH

### APRIL

Monday 25 H 9-10am	Children's Rights Caucus: presentation of the priorities	Monday 1 H 9-10am	EASTER
H 13-15		H 13-15	
Tuesday 26 H 9-10am	Danevad Andreas Global IDP Project Norwegian Refugee Council	Tuesday 2 H 9-10am	Save the Children: "Investing in the future of Afghanistan: the rights of children"
H 13-15	Save the Children: "Education under occupation: a denial of the rights of Palestinian children" (Room XXIII)	H 13-15	Save the Children: "Investing in the future of Afghanistan: the rights of children" (Room XXIII)
Wednesday 27 H 9-10am	Save the Children: "Education under occupation: a denial of the rights of Palestinian children"	Wednesday 3 H 9-10am	Special Rapporteur on the Right to Education Special Rapporteur on Summary Executions
H 13-15		H 13-15	
Thursday 28 H 9-10am	Elly Pradervand, WWSF: "World day for Prevention of Child Abuse 2002" and "Introduction to the global campaign "Walk your Talk "	Thursday 4 H 9-10am	Lesley Miller, UNICEF UNGASS, update
H 13-15		H 13-15	
Friday 29 H 9-10am	EASTER	Friday 5 H 9-10am	Joint Women and Children's Rights Caucus Meeting: SR on Torture perspective on children and women (Room XXIV)
H 13-15		H 13-15	

**Human Rights Commission 58<sup>th</sup> Session : Children's Human Rights Caucus 2002**  
**25 March-19 April, Room E 3025 – Palais des Nations**

**APRIL**

**APRIL**

Monday 8 H 9-10am	Caucus Strategy Meeting	Monday 15 H 9-10am	The Coalition to Stop the Use of Child Soldiers
H 13-15		H 13-15	
Tuesday 9 H 9-10am	Special Rapporteur on the Sale of Children	Tuesday 16 H 9-10am	International Network on Juvenile Justice : Juvenile Justice : From Restorative Justice to Incarceration
H 13-15		H 13-15	
Wednesday 10 H 9-10am	Save the Children and Global Initiative: "Ending Corporal Punishment of Children"	Wednesday 17 H 9-10am	Dora Giusti, DCI - Child Labour Desk : "Child Labour and the Rights of the Child"
H 13-15	Save the Children and Global Initiative: "Ending Corporal Punishment of Children" (Rm XXIII)	H 13-14	Special Rapporteur on Indigenous People public Briefing (Room XXV)
Thursday 11 H 9-10am	Committee on the Rights of the Child: new guidelines for OPs, 2002 theme day and ongoing work on general comments	Thursday 18 H 9-10am	Joint Women and Children caucus
H 13-15	Sub-Group on CHR Panel Discussion: The UN Study on Violence against Children SR Sale of Children Public Briefing (Room XXV)	H 13-15	
H 13.30-14.30			
Friday 12 H 9-10am	Special Rapporteur on Violence against Women	Friday 19 H 9-10am	Evaluation of the Children's Rights Caucus work
H 13-14	SR on IDPs public Briefing (Room XXII) UNICEF Briefing on UNGASS (XXIV)	H 13-15	
H 15-17			





	CRC/Optional protocols	UNGASS	VIOLENCE	TRAFFICKING	SEXUAL EXPLOIT.	CHILD LABOUR	CIV.&POL. RIGHTS	EC.,SOC.,C U RIGHTS	ARMED CONFLICT	EDUCATION	GIRLS
Croatia				Illegal trafficking on women and children						Modification of the pattern of domestic violence through education	
Cuba								Right of food			Gender inequality
Czech Republic											
Democratic Republic of the Congo									Situation of rape by soldiers and as a result : HIV/AIDS contamination and pregnant women		Female genital mutilation
Ecuador											
France											
Germany											
India				Trafficking of women and girls. Report on the cross border trafficking				Drop in the mortality rate of children thanks to massive immunisation campaign		Education as one of the fundamental rights	



	CRC/Optional protocols	UNGASS	VIOLENCE	TRAFFICKING	SEXUAL EXPLOIT.	CHILD LABOUR	CIV.&POL. RIGHTS	EC.,SOC.,C U RIGHTS	ARMED CONFLICT	EDUCATION	GIRLS
<b>Mexico</b>	Ratification of the two Optional Protocols		Importance of the study for the protection of children								Reform of 2001 against discrimination on the basis of gender and age
<b>Nicaragua on behalf of GRUCA</b>					Support network on international sex tourism						
<b>Nigeria</b>											
<b>Pakistan</b>	Signature of the two Optional Protocols					Ratification of ILO 182	The age for death penalty applicability raised to 18 years of age				
<b>Peru</b>											
<b>Poland</b>											
<b>Portugal</b>											
<b>Republic of Korea</b>				Trafficking on women and children which involved organized crime							
<b>Russian Federation</b>											
<b>Saudi Arabia</b>											

COUNTRY	CRC/Optional Protocols	UNGASS	VIOLENCE	TRAFFICKING	SEXUAL EXPLOIT.	CHILD LABOUR	CIV.&POL. RIGHTS	EC.,SOC.,C U RIGHTS	ARMED CONFLICT	EDUCATION	GIRLS
Senegal								HIV/AIDS			Discrimination against girls and women including marriage, succession and ownership
Spain (on behalf of the EU)	Calls for ratification of the two optional protocols	Right to education as an important issue for UNGASS	Welcomes the UN Study on Violence against Children	Traffic in girls and women one of the most extended forms of violence world-wide				Poverty as one of the main concerns in the combat for the rights of the child	Calls for ratification of the Rome Statute of the ICC. Concern expressed over sexual exploitation of child refugees	Right to education as a very important right	Discrimination based on different grounds. Harmful traditional practices, early forced marriages, crimes of honour
Sierra Leone											
South Africa	Signature of the two Optional Protocols				Yokohama Congress National policy guidelines for victims of sexual offences		Development Quality Assurance Programme to provide protection for children in the justice system	HIV/AIDS		Access to basic education as critical in South Africa	Empowerment of women and girls National programme « no-violence against women »
Sudan											
Sweden											

	<b>CRC/Optional protocols</b>	<b>UNGASS</b>	<b>VIOLENCE</b>	<b>TRAFFICKING</b>	<b>SEXUAL EXPLOIT.</b>	<b>CHILD LABOUR</b>	<b>CIV.&amp;POL. RIGHTS</b>	<b>EC.,SOC., CU RIGHTS</b>	<b>ARMED CONFLICT</b>	<b>EDUCATION</b>	<b>GIRLS</b>
<b>Syrian Arab Republic</b>					Sexual violence			Eradication of certain diseases which resulted in the drop of mortality rate	Eradication of child soldiers		Issues of early marriages for young girls
<b>Thailand</b>				Violence against women Reintegration of women and girls							
<b>Togo</b>	Welcoming of the entry into force of the two Optional Protocols			Implementation of policy against trafficking	Yokohama congress						Female genital mutilation
<b>Uganda</b>				The issue of abduction of children		Ugandan children are protected from social and economic exploitation and from recruitment in armful works				Ugandan children have the right to basic education	

COUNTRY	CRC/Optional Protocols	UNGASS	VIOLENCE	TRAFFICKING	SEXUAL EXPLOIT.	CHILD LABOUR	CIV.&POL. RIGHTS	EC.,SOC.,C U RIGHTS	ARMED CONFLICT	EDUCATION	GIRLS
United Kingdom											
Uruguay	Ratification of the two Optional Protocols in the pipeline					ILO 182. Creation of a National Committee to eradicate child labour		Infant mortality as decreased in connection with an increased vaccination coverage		Universal primary education for children between 4-5	
Venezuela					Protection from sexual abuse and trafficking		Administration of Juvenile justice Primacy of the right to life Birth registration			Right to education as extremely important	
Viet Nam	Recent ratification of the two Optional Protocols			Problem of traffic in girls and women in Vietnam							
Zambia											

**Observer States**

COUNTRY	CRC/Optional Protocols	UNGASS	VIOLENCE	TRAFFICKING	SEXUAL EXPLOIT.	CHILD LABOUR	CIV.&POL. RIGHTS	EC.,SOC.,C U RIGHTS	ARMED CONFLICT	EDUCATION	GIRLS
Switzerland			In-depth study on the protection of children from violence		Sexual exploitation as criminal act						Women and girls are victims of violence : sexual mutilation
Yemen											Female genital mutilation
Democratic People's Republic Of Korea											
Lithuania											
Norway	Calls for the immediate ratification of the OP on Children in Armed Conflicts								Rape of girls, traumatizing violation Boys are exploited as child soldiers		
Romania											
Slovenia									Children in post-war society		
Ghana				Child-sex tourism	Child abuse as well as torture and degrading treatment and punishment						

	CRC/Optional protocols	UNGASS	VIOLENCE	TRAFFICKING	SEXUAL EXPLOIT.	CHILD LABOUR	CIV.&POL. RIGHTS	EC.,SOC.,C U RIGHTS	ARMED CONFLICT	EDUCATION	GIRLS
<b>Benin</b>	Signature of the OP on the Sale of Children			Fight against trafficking	Child prostitution and pornography	ILO 182 will enter into force on November 2002					
<b>Iran</b>						Ratification of ILO +("	Children's Courts try to replace punishment with educational courses			Spending on education is high in Iran	
<b>Australia</b>	Signature of OP on the Sale of Children. Consideration of signature of OP on children in Armed conflicts	UNGASS as an unique opportunity to recommit for the improvement of the life of children			Yokohama Congress as a big opportunity for review						
<b>Sri Lanka</b>	Ratification of OP on Children in armed conflicts							Problem of recruitment by LTTE	Compulsory and free education		
<b>Oman</b>								Drop in child mortality in Palestinian children			
<b>Turkey</b>	Commitment to the CRC			Violence against and traffic in women and girls							

	CRC/Optional protocols	UNGASS	VIOLENCE	TRAFFICKING	SEXUAL EXPLOIT.	CHILD LABOUR	CIV.&POL. RIGHTS	EC.,SOC.,C U RIGHTS	ARMED CONFLICT	EDUCATION	GIRLS
<b>Morocco</b>											
<b>Egypt</b>								Health care and vaccinations as priorities	Palestinian children	Education as a priority in Egypt	
<b>Liechtenstein</b>											
<b>Cyprus</b>	Commitment to the human rights and interests of children										
<b>Qatar</b>								Rising social and economic disparities in the world causing discrimination Health care and social services as high priorities	Palestinian children	Education has a high priority	
<b>Colombia</b>											
<b>Tunisia</b>											
<b>The Netherlands</b>									Women and girls in Afghanistan		Female genital mutilation and honour crimes

COUNTRY	CRC/Optional Protocols	UNGASS	VIOLENCE	TRAFFICKING	SEXUAL EXPLOIT.	CHILD LABOUR	CIV.&POL. RIGHTS	EC.,SOC.,C U RIGHTS	ARMED CONFLICT	EDUCATION	GIRLS
Iraq									Embargo and protection of children		
Philippines				Illegal traffic of women and girls							