

Children's Human Rights Caucus
At the 60th Session of the UN Commission on
Human Rights
15 March – 23 April 2004

Item 13: Rights of the Child

Alternative NGO resolution

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

Anti-Slavery International, Arigatou Foundation, Baha'I International Community, Consortium for Street Children, Defence for Children International, ECPAT International, Friends World Committee for Consultation (Quakers), Human Rights Watch, International Alliance of Women, International Alliance Terre des Hommes, International Council of Women, International Federation of Social Workers, NGO Group for the CRC Liaison Unit Programme, Save the Children, World Organisation Against Torture, World Union of Catholic Women, World Vision.

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COMMISSION ON HUMAN RIGHTS

~~Fifty-ninth~~60th session

Agenda item 13

RIGHTS OF THE CHILD

The Commission on Human Rights,

PP1. *Emphasizing the importance of the Convention on the Rights of the Child and 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 a primary consideration in all actions concerning children, and bearing in mind also the importance of its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, as well as other relevant human rights instruments, (GA 58/157)~~*

PP2. ~~*Bearing in mind 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, Reaffirming that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents, (GA 58/157)*~~

PP3. *Reaffirming the World Declaration on the Survival, Protection and Development of the Child and the Plan of Action for the Implementation of the World Declaration on the Survival, Protection and Development of the Child in the 1990s adopted in September 1990 by the World Summit for Children (A/45/625, annex), the United Nations Millennium Declaration and the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), 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,*

PP4. *Reaffirming also the outcome document of the special session of the General Assembly on children entitled ‘A world fit for children’ adopted on 10 May 2002 (Resolution S-*

27 /2, annex) and the firm commitments contained therein to promote and protect the rights of each child – every human being below the age of 18 years,

PP5. *Reaffirming* further all its previous resolutions related to the rights of the child, particularly resolution 2000/85, 2001/75 ~~and~~, 2002/92 and 2003/L.105-86; and taking note with appreciation of General Assembly resolution 57/190 of 18 December 2002 and 58/157 of 22 December 2003,

PP6. *Welcoming* the integration of child rights issues into the outcome documents of all major United Nations conferences, special sessions and summits, and in the World Bank's Poverty Reduction Strategy Papers¹,

~~PP6 bis~~PP7 *Welcoming* the Secretary-General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse T/SGB/2003/13 of 9 October 2003,²

~~PP6 ter~~PP8 *Welcoming* the entry into force on 1 July 2003 of the Convention on the Rights of Migrant Workers and their Families

~~PP 9~~ *Welcoming* the entry into force of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the United Nations Convention against Transnational Organized Crime on 25 December 2003.

PP10~~7~~. *Welcoming* the 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 ~~and~~, taking note of the conclusions of the general discussions on the ~~private sector as service provider and its role in implementing child rights~~ rights of indigenous children in September ~~2002~~2003,

¹ *Poverty Reduction Strategy Papers (PRSPs) are the main instruments for directing multilateral lending. Introduced in 1999, they have become the key instrument in directing World Bank and International Monetary Fund lending programmes in developing countries. PRSPs are intended to be nationally owned strategy documents prescribing the funding of national policies in areas such as education, health, housing, provision of services like transport, industrial policy and infrastructure. They are potentially the key instrument for poverty reduction. By focusing the multilateral and bilateral donor community financing on nationally owned policies that specifically target poverty reduction, enormous strides could be made in real poverty reduction. The PRSP, if fully carried out, is a nationally owned strategy that puts poverty reduction policy change, and crucially, its funding, at the heart of national and international planning for a specific country. By bringing together civil society, the private sector, local and national government along with multilateral and bilateral donors on a set of policy strategies that target poverty reduction, the PRSP can bring coherence and focus to poverty reduction.*

² *Also referred to in the 2004 Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography E/CN.4/2004/9: "The Special Rapporteur welcomes the issuing of the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse entered into force on 15 October 2003 (ST/AB/2003/13). The bulletin reiterates that sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been prohibited conduct for United Nations staff. The bulletin details specific situations that amount to sexual exploitation or abuse and establishes reporting duties and procedures.*

~~PP 11 Welcoming also the entry into force of the amendment to article 43, paragraph 2 of the Convention allowing for the successful increase of the membership of the Committee on the Rights of the Child from 10 to 18 hoping that this will allow the Committee to efficiently deal with the new challenges in monitoring the two Optional Protocols to the Convention, and hoping as well that the Committee will ease its backlog, and convinced that fundamental reform of the working methods of the Committee on the Rights of the Child is further required so that the Committee can consider States parties' reports in a timely manner, (A/C.3/58/10 Recommendation of the Committee on the Rights of the Child on working methods).~~

~~PP 12 Welcoming further the appointment by the Secretary General of the Independent Expert for the start of the United Nations Study on Violence Against Children as well as the formation of its secretariat;~~

~~PP10PP13.~~ Profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, social inequality, inadequate social and economic conditions in an increasingly globalized economic environment, pandemics, in particular HIV/AIDS, malaria, tuberculosis, natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, exclusion on the basis of disability³ and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

~~PP14.~~ Recognizing that environmental damage has potentially negative effects on children and the enjoyment of their life, health and satisfactory standard of living,

~~PP15.~~ Underlining the need for mainstreaming a gender perspective in all policies and programmes relating to children,

~~PP16.~~ Concerned that, in conflict situations, children continue to be victims and deliberate targets of attacks with consequences that are often irreversible for their physical and emotional integrity,

~~PP17.~~ Welcoming the reports of the Secretary General on the status of the Convention on the Rights of the Child (~~E/CN.4/2003/79~~) (E/CN.4/2004/67), of the Special Rapporteur on the right to education (~~E/CN.4/2003/9 and Add. 1-2~~E/CN.4/2004/45), of the

³ One of the central issues in disability rights is stereotyping, that is, disability being seen as something negative and that persons with disabilities need charity/sympathy. The inclusion of disability in a long list of negative things (with the exception of HIV/AIDS, which is another area trying to tackle stigmatization) can feed into the negative stereotyping. (The other issue this raises is the question of prevention, which is also controversial in disability. E.g. most PWDs from the North are strictly against mention of prevention, because of disability pride issues. With respect to the Draft Disability Convention, it was almost unanimously agreed that prevention had no place in the Convention because it is about PwithD, not Pwithout).

Special Rapporteur on the right to health (E/CN.A/2004/49)⁴, of the Special Rapporteur on the sale of children, child prostitution and child pornography (~~E/CN.4/2003/79 and Add. 1-2~~E/CN.4/2004/9 and E/CN.4/2004/9/Add.2), of the Special Representative of the Secretary General on the impact of armed conflict on children to the General Assembly at its fifty-~~seventh~~ eighth session (~~A/57/402 A/58/328~~) and to the Commission at its ~~fifty-ninth~~ sixtieth session (~~E/CN.4/2003/77~~) (E/CN.4/2004/70)—and the report of the Secretary General on children and armed conflict (~~S/2002/1299~~), (S/2003/1053) and on the study on the question of violence against children (E/CN.4/2004/68)

PP1~~58~~. *Concerned* at the number of illegal adoptions, of children growing up without parents and of child victims of different forms of violence, abuse, exploitation and neglect within and outside the family,

PP4~~619~~ *Recognizing* that the family, in its various forms⁵, is the basic unit of society and as such should be strengthened; that it is entitled to receive comprehensive protection and support; that the primary responsibility for the protection, upbringing and development of children rests with the family; that all institutions of society should respect children's rights and secure their well-being and render appropriate assistance to parents, families, legal guardians and other caregivers so that children can grow and develop in a safe and stable environment and in an atmosphere of happiness, love, and understanding; ~~bearing in mind that in different cultural, social, and political systems, various forms of family exist;~~

PP2~~047~~. *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 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,

PP2~~148~~. *Bearing in mind* the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010) and recalling the Declaration and Programme of Action on a Culture of Peace, which serve as the basis for the International Decade,

PP2~~249~~. *Reaffirming* interrelatedness of all human rights and the necessity to take into account the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights, including the right to development, education and health⁶, to promote and protect the rights of the child,

⁴ The child's right to health is as fundamental as the right to education and the mandate of the Special Rapporteur on the right to health requires that he focus specifically on children and adolescents. Health, along with education, is a priority issue in national poverty reduction strategies (PRS). Child health in particular (not just reduced to infant mortality) is an effective indicator of sustainable development. The Special Rapporteur on Health deals with wide-ranging issues extremely relevant to linkages between health, poverty and sustainable development: his reports should be listed along with those of other SR mentioned in this point of the preamble.

⁵ World fit for Children alternative NGO text, parag.15)

⁶ *Note: the right to health, closely linked to the right to education, is all too often not considered a fundamental right but rather a "need", it would be important to emphasise it along with another "neglected" right (to development)*

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~~ and ratify~~ing~~ or accede~~ing~~ to the Convention on the Rights of the Child ~~and its 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, and, concerned at the great number of reservations to the Convention, 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;

2. Urges the States that have not yet done so to sign and ratify or accede to the its Optional Protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography and urges States Parties to implement them fully;

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 to the enjoyment of the highest attainable standard of including the right to health⁷, 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;

4. *Stresses* that the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children will contribute to the implementation of the Convention;

~~5.~~ 5. *Urges* States parties to:

a) take all appropriate measures for the implementation of the rights recognized in the Convention, bearing in mind article 4 of the Convention and General Comment N°5 of the Committee on the Right of the Child of 3 October 2003 on "General measures of implementation for the Convention on the Rights of the Child", 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;

b) ensure adequate and systematic training in the rights of the child for law enforcement and all professionals involved in activities concerning children, including teachers, police, judges, lawyers, army personnel and social workers, as well as coordination between various bodies at

⁷ Note: The right to health is intimately related to the right to life.

the governmental and local levels; (former OP12 moved up – as in GA 58/157, which is more logical + addition of mention of police and army personnel who are key agents of protection)

6. Calls upon all States to end impunity for perpetrators of crimes committed against children, and recognises in this regard the contribution of the establishment of the International Criminal Court (GA 58/157)~~Calls upon all States to put an end to impunity,~~ as a way to prevent violations of international human rights and humanitarian law, in particular when (GA 58/157)including where children are victims, ~~in particular for~~ of serious crimes, such as the crime of genocide, crimes against humanity and war crimes, and to bring perpetrators of such crimes to justice, and not grant amnesties for these crimes;

7. *Encourages* all States, to strengthen their national statistical capacities and to use disaggregate statistics, inter alia, by age, gender, other relevant factors that may lead to disparities and other statistical indicators at national, sub-regional, 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 realization of the rights of the child;

8. *Calls upon* States parties:

(a) To ensure that the members of the Committee on the Rights of the Child 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;

(b) To strengthen their cooperation with the Committee and to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, 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;

~~9.~~ 9. ~~Decides~~ to request the Secretary-General:

a) ~~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~~

b) ~~to support the Committee's recommendations to consider the reports of States parties in two parallel chambers, thereby increasing the number of States parties' reports to be examined each year, including under the two new Optional Protocols; and to provide appropriate financial resources from the United Nations regular budget to enable the Committee to work in two chambers, for an initial period of two years (see A/C.3/58/10 Recommendation of the Committee on the Rights of the Child on working methods)~~

10. *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 the

Sub-Commission on the Promotion and the Protection of Human Rights⁸, special representatives, special rapporteurs and working groups, regularly and systematically to incorporate a strong child rights perspective, throughout all activities in the fulfilment of their mandate as well as to ensure their staff is trained in child protection matters and calls upon States to cooperate closely with them;

11. *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 and 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;

~~12. *Reaffirms the importance of ensuring adequate and systematic training in the rights of the child for law enforcement and all professionals involved in activities concerning children, including teachers, judges, lawyers and social workers, as well as coordination between various bodies at the governmental and local levels;* (moved to OP5, as in GA 58/157)~~

12. *Encourages Governments and relevant United Nations bodies, as well as relevant non-governmental organizations and child rights advocates, to continue to contribute, as appropriate, to the web-based database launched by the United Nations Children's Fund so as to continue the provision of information on laws, structures, policies and processes adopted at the national level to translate the Convention into practice, and in this regard commends that body for its work to disseminate lessons learned in the implementation of the Convention;* (GA 58/157)

II. PROTECTION AND PROMOTION OF THE RIGHTS OF THE CHILD

Identity, family relations and birth registration

13. *Calls upon* all States:

(a) To continue to intensify efforts to ensure the registration of all children, irrespective of their status, immediately after birth, ~~including by~~ ensuring the existence of a free, effective and universally accessible registration system and by developing the consideration of simplified, expeditious and effective procedures, especially for refugee, displaced and stateless children⁹;

⁸ See Oral intervention of the Subgroup for the Commission on Human Rights of the NGO Group for the Convention on the Rights of the Child at the Sub-Commission 55th Session, 28 July to 15 August 2003 stating the lack of clear policy for child rights mainstreaming in the sub-commission work.

⁹ GRULAC 2002

- (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 and facilitating speedy family contacts and reunification¹⁰;
- (c) To consider ways of preventing statelessness of children whose fathers do not register the birth, in particular in countries where nationality descends from the father¹¹;
- (d) To comply with the recommendations the Committee on the Rights of the Child's 2003 day of general discussion to fully respect the right to identity of indigenous children by, inter alia, allowing indigenous parents to give their children a name of their own choosing, by respecting the right of the child to preserve her/his identity and by taking all necessary measures to prevent indigenous children from being or becoming stateless.¹²

(ee) 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, and the participation of all interested parties, that such separation is necessary for the best interests of the child; to ensure that the child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures and giving all interested parties an opportunity to participate in the proceedings and make their views known; that such separation is necessary for the best interests of the child; such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence; to respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests; where such separation results from action initiated by a State Party, such as the detention, imprisonment exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents of the child, that State shall, upon request provide the parents, the child or if appropriate another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family, unless the provision of the information

¹⁰ When children's identity has been falsified for instance for the purpose of trafficking by private actors or illegal detention by governmental or other armed groups, as soon as their true identity is re-established, it is primarily through information and support to the families that rehabilitation processes can be initiated.

¹¹ For instance, across many countries that have experienced multi-lateral deployments, children are routinely fathered by peace keeping troops and officials of multi-lateral deployments. In countries where jus sanguinis through the "male line" is a basis of acquiring nationality these children would be entitled to the nationality of their fathers. In many countries, these children become effectively stateless as the fathers end their duty and leave (eg. Angola, Congo, Liberia, Lebanon, Vietnam, etc.).

¹² CRC 34th session, 15th Sept-30 Oct. 2003, day of general discussion recommendations, para. 15.

would be detrimental to the well-being of the child; to further insure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned;

(~~f~~) To prevent and address cases of international abduction of children, bearing in mind that the best interest of the child shall be the primary consideration, and encourages States to engage in multilateral and bilateral cooperation ~~to ensure inter alia the return of the child to the country where he or she used to reside immediately before the removal or retention~~¹³ and, in this respect, to pay particular attention to cases of international abduction of children, by one of their parents or other relatives;

(~~g~~) To guarantee, to the extent consistent with each State's obligations, the right of a child whose parents reside in different States to maintain on a regular basis, save in exceptional circumstances, personal relations and direct contacts with both parents by means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

(~~h~~) To take all appropriate measures, especially educational measures, to further promote the responsibility of both parents in the education, development and raising of children;

Poverty

14. ~~Convinced~~ Reaffirms (GA 58/157) that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

15. Calls upon States and the international community to:

- a) cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability, and effective and equitable allocation of resources, as well as and child sensitive economic policies are required at all levels to ensure that all the development and poverty reduction goals, as set out in the United Nations

¹³ In cases of parental abduction, return to the country of residence may not always be the best option. Such issues should be solved on a case-by-case basis, taking into account penal aspects of cases, when relevant. See for instance the case of Switzerland raised in the 2004 Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography E/CN.4/2004/9:

Para 17. On 9 January 2003, The Special Rapporteur sent an urgent appeal to the Government of Switzerland jointly with the Special Rapporteur on violence against women. The Special Rapporteurs were concerned about the situation of child J. and child M., brother and sister, who were supposed to be repatriated from Switzerland to Australia and assigned to the custody of their father, despite the accusations of abuse by child M. against her father. Following this accusation, the mother of the children had illegally taken them from Australia to Switzerland.

18. On 24 January 2003, the Government of Switzerland replied that the decision to repatriate the two children was taken in compliance with the law, in particular with the Hague Convention on the Civil Aspects of International Child Abduction of 1980. The Government stated that Switzerland was not competent to investigate the penal aspects of the case, as the alleged criminal facts were perpetrated abroad. The Government further reported that it had taken appropriate measures to facilitate the return of the children and their mother.

Millennium Declaration are realized within their time framework, and to promote the enjoyment of the rights of the child;

b) review trade policies and commitments which may have adverse affects on children in order to protect children and their families from the negative effects of globalisation¹⁴, are required at all of these levels,

~~in order to ensure that all the development and poverty reduction goals, as set out in the United Nations Millennium Declaration are realized within their time framework, and to promote the enjoyment of the rights of the child;~~

c) Ensure that any privatisation of public services does not negatively affect accessibility and quality of services to all children, noting the recommendations of the 2002 discussion day of the Committee on the Rights of the Child on the Private Sector as Service Provider;

~~Make globalisation work for the benefit of all, including children, by creating new partnerships among the developed and developing world and countries with economies in transition as well as private and public sectors, by promoting people centred sustainable development, an open, equitable, rule based, and predictable multilateral trading and financial system and reviewing trade policies and commitments which may have adverse affects on children and to provide social safety nets and national protection mechanisms to protect children and their families from the negative effects of globalisation.~~

Health

~~1516. Calls upon all States parties to take all necessary measures to ensure the right of all children to the enjoyment of the highest attainable standard of physical and mental health in accordance with with article 24 of the Convention and the World Health Organization definition of health, reiterated in CHR resolution 2003/28 of 22 April 2003, as a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity, and taking into consideration the Convention article 24 and the basic principles, namely those dealing with of non discrimination (article 2), the, best interest of the child (article 3),, the right to life, survival and development and the respect for the views of the child of the Convention (article 12).~~¹⁵

17. Calls upon all States to take all appropriate measures and allocate the necessary resources to programmes targeting children in order to develop quality¹⁶ and to develop sustainable 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, in particular to all vulnerable groups, and calls upon all States parties to take all necessary measures to ensure

¹⁴ World Fit for Children chair + NGO alternative text

¹⁵ Note: a) There should be consistency with all CHR resolutions in approaching health in a broad and comprehensive manner and b) all rights covered by the CRC are indivisible. The above-mentioned rights have been held as basic principles by the Committee on the Rights of the Child and need to be recalled to ensure a full and coherent implementation of article 24.

¹⁶ See the report of the Special Rapporteur on Health E/CN/2004/49

~~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;¹⁷~~

~~18—16.~~ *Calls upon* all States to give support and rehabilitation to children and their families affected by HIV/AIDS, and 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 voluntary and confidential care, treatment and testing, including pharmaceutical products and medical technologies, affordable to all, giving due importance to the prevention of mother-to-child transmission of the virus;

Education

~~17~~19. *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, without discrimination, and ensuring that all children, including girls, children in need of special protection such as refugees, IDPs, asylum seekers, and working children, children with disabilities, indigenous children, children belonging to minorities and children from different ethnic origins have access, in practice as well as in law and without discrimination, to education of good quality of their choosing¹⁸, 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 special measures to ensure equal access, including affirmative action, contribute 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 develop national plans of action, or to strengthen existing ones, in order to achieve the objectives of Education for All so as to ensure that all boys and girls complete a full course of primary schooling and reaffirms UNESCO coordinating role in this regard; (GA 58/157)

(d) To promote an educational setting that eliminates all barriers that impede the schooling of pregnant adolescents and adolescent mothers and to provide them with social services and support to enable them to continue and complete their education; (GA 58/157 – merger of 25 c and d)

¹⁷ Taken out as better stated in previous para. This would ensure a better coherence in the substance of the health section

¹⁸ One of the key issues in education and disability is the right to choose. Most disability groups prefer an inclusive setting (CWDs generally do not have the option to have mainstream schooling), exceptions are the deaf and some blind groups, who prefer separate schooling, provided it is of the same quality as the mainstream schools. This language would also probably appeal to ethnic minorities as well who are equally concerned with linguistic rights.

(~~eb~~) To take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour through education, keeping in mind the important role that children play in changing these practices;

(~~ef~~) 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; and invites them to develop national strategies for human rights education which are comprehensive, participatory and effective;

(~~gf~~) To ensure that education programmes and materials reflect fully the promotion and protection of human rights and values of peace, tolerance and gender equality, using every opportunity presented by the International Decade For A Culture Of Peace And Non-Violence For The Children Of The World, 2001-2010;

(~~he~~) To harness the rapidly evolving information and communication technologies to support education at an affordable cost, including open and distance education, while reducing inequality in access and quality

~~1820.~~ *Urges States:*

(a) To take measures to protect students from violence, injury or abuse, including sexual abuse and intimidation or maltreatment (GA 58/157) in schools, to establish complaint and mediation mechanisms that are accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(~~b~~)—~~b~~To ~~implement~~take measures to eliminate the use of corporal punishment in all schools and other educational settings;

c) To explore and apply alternative pedagogical methods to prevent violence in educational settings.

Freedom from violence

~~1921.~~ Welcomes the establishment of the secretariat ~~Requests for the independent expert to conduct the independent expert's study on the question of violence against children as soon as possible, and invites him to be based in Geneva in order to enhance his in~~ collaboration with the Office of the High Commissioner for Human Rights, the United Nations Children's Fund and the World Health Organization, and invites the member States, United Nations bodies and organizations, including the Committee on the Rights of the Child, as well as other relevant intergovernmental organizations and non-governmental organizations, ~~to provide substantive and, where appropriate, financial support, including through voluntary contributions, for the effective conduct of the study and invites non-governmental organizations,~~ to contribute to the study, taking into account the recommendations of the Committee on the Rights of the Child made following the general discussions on violence against children held in September 2000 and

2001; and further encourages the independent expert to also seek the participation of children in the study, taking into account the age and maturity of the child;

~~21bis~~220 Urges member States to support the study with financial contributions and to encourage and to support national-level research, including by NGOs and in particular with the participation of children, collaboration and consultation b, including b;

2123 Encourages States to include a strong focus on violence against children under all relevant issues of the National Plans of Action on the follow-up to the UN Special Session on Children, in all consultations leading to their development and implementation;

~~2024.~~ Requests the Secretary-General to submit a substantive progress report on the study to the Commission at its ~~sixtieth~~ sixty-first session and to present an oral progress report to the 59th session of the General Assembly (GA 58/157), and encourages the Secretary General to present a further report to the Commission at its sixty-second session and the final in-depth study to the General Assembly at its 60th session, for ~~its~~ consideration, with the aim of evaluating all possible complementary measures and future actions ;

~~251.~~ Requests all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, to pay attention to the special situation of violence against children, reflecting their experience in the field;

~~262.~~ Calls upon all States to take all appropriate national, bilateral and multilateral measures to prevent, and to protect children from, all forms of physical, sexual and psychological violence, ~~including violence occurring, inter alia, in the family, in public or private institutions, in society, or~~ perpetrated or tolerated by private individuals, juridical persons or the State, including: torture, child abuse, abuse by police, other law enforcement authorities and employees and officials in detention centres or welfare institutions, including orphanages, and domestic violence;(GA 58/157)

~~237.~~ 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;

III. NON-DISCRIMINATION

~~248.~~ Calls upon all States to ensure that children are entitled to their civil, political, economic, social and cultural rights without discrimination of any kind;

~~25-29~~ Notes with concern the large number of children, particularly girls, among the victims of racism, racial discrimination, xenophobia and related intolerance, 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, and calls upon States to provide special support and ensure equal access to services for those children;

2630. *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;

The girl child

2731. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(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 on the rights of the child, taking into account the special situation of girls;

(b) To eliminate all forms of discrimination against girls and all forms of violence, including female infanticide, and prenatal sex selection, 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, early marriages, in crimes committees in the name of honour¹⁹, and -forced sterilization, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

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

Children with disabilities

32. Welcomes the General Assembly resolutions A/RES/56/168 and A/RES/57/246 and the establishment of an Ad Hoc Committee on the elaboration of an international integral convention to promote and protect the rights and dignity of persons with disabilities, urges the Ad Hoc

¹⁹ This reference is included in the resolution on The Elimination of Violence Against Women 2003/45 and must be reiterated when it comes to the girl child : para 4. Affirms that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, and including domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, trafficking in women and girls, traditional practices harmful to women, including female genital mutilation, early and forced marriages, female infanticide, dowry-related violence and deaths, acid attacks and violence related to commercial sexual exploitation as well as economic exploitation;

Committee to pay specific attention to the rights²⁰, needs and views of children with disabilities and welcomes its decision to invite the Committee on the Rights of the Child, as well as other relevant intergovernmental and non-governmental organizations, to contribute to its work;

~~pay specific attention to the rights and needs of children with disabilities and take special consideration of their views~~ pay specific attention to the rights and needs of children with disabilities

~~28. Calls upon all States to take necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities at both public and private spheres, including access to good quality education and health care, protection from violence, abuse and neglect and, where necessary, to develop and enforce legislation against their discrimination to ensure their dignity, promote their self-reliance and facilitate the child's active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;~~

33. Calls upon all States to ;(following para. from GRULAC 2002+NGO alternative res. 2003)

- a) 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,-, to develop and enforce legislation against their discrimination to ensure development, dignity, promote self-reliance and facilitate the child's active participation inclusion and integration in the community, including fully supported access to good quality health care, (re)habilitation²¹, leisure, good quality education of their choosing²² and work opportunities, particularly taking into account the situation of children with disabilities living in poverty
- b) To provide full assistance to families and professionals in caring for children with disabilities, to take adequate steps to prevent and reverse institutionalisation, and to reallocate resources to develop child-sensitive, non-discriminatory alternatives, including care by the extended family or foster care, respite care and day care community-based services;
- c) To take all necessary measures to ensure prevention and protection from violence, neglect and abuse, including sexual abuse, for all children with disabilities, through legislation , policies and services which uphold those children's right to life and inclusion in society

²⁰ The Convention on the Rights of Persons with Disabilities should not undercut the CRC and should also address children's rights and not just issues.

²¹ (Re)habilitation is a central issue for CWDs. Habilitation refers to children who are born with a disability, and rehabilitation for acquired disabilities

²² One of the key issues in education and disability is the right to choose. Most disability groups prefer an inclusive setting (CWDs generally do not have the option to have mainstream schooling), exceptions are the deaf and some blind groups, who prefer separate schooling, provided it is of the same quality as the mainstream schools.

~~29. Encourages the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities to consider the issue of children with disabilities in its deliberations;~~

Migrant children

34. Urges States that have not yet done so to sign and ratify or accede to the Convention on the Rights of Migrant Workers and their Families

35. 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;

36. Calls upon all States to ensure, for migrant children, the enjoyment of all human rights as well as unrestricted access to health care, social services and education of good quality; States should ensure that migrant children and especially those who are unaccompanied separated²³, in particular victims of violence and exploitation, receive special protection and assistance including effective procedures for identification, reporting, referral, investigation, treatment, and follow-up of instances of maltreatment;

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

Children working and/or living on the street

~~37.31. Calls upon Urges~~ all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extra-judicial, arbitrary and summary executions, torture, all kinds of violence and exploitation, to and to bring the perpetrators to justice and provide reparation to victims and their families, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these children, and to adopt economic, social and educational strategies to address the problems-needs and respect the rights of children working and/or living on the street, as well as the factors contributing to their situation, such as poverty, school drop-out, violence and abuse in the family;

38. Urges all states to recognise that children are particularly vulnerable to recruitment into armed groups, such as non-state paramilitaries, drug factions or organised criminal gangs²⁴, and to give these children urgent attention, enhancing protection

²³ Unaccompanied children are defined by UNHCR as, 'those persons under 18 years of age, who are separated from both parents and are not being cared for by an adult who, by law or custom, is responsible for doing so.' (UNHCR, *Save the Children, Action for the Rights of Children, Critical Issues, Separated children, August 2001, Geneva, p 5.*) - Many more children are what are referred to as separated children, that is children under 18 years of age who are separated from both parents or from their previous legal or customary primary caregiver. (Ibid., p

6)
²⁴ See for instance "Children of the drug trade", Viva Rio & ISER, Rio de Janeiro 2003.

and assistance mechanisms that include the implementation of policies for the protection, social and psychosocial rehabilitation and reintegration of these children, and the adoption of educational, economic, cultural and social alternatives.

Refugee and internally displaced children

~~3239~~. *Calls upon* all States to protect and not to detain arbitrarily²⁵ refugee, asylum seeking and internally displaced children, in particular those who are ~~unaccompanied separated~~, 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;

Child labour

~~4033~~. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination 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 immediately eliminate the worst forms of child labour, including the most invisible ones²⁶; 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, to fully respect the rights of children who work²⁷, 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;

~~3441~~. *Also urges* all States that have not yet done so to ~~consider, ratifying~~ and ~~implementing~~ the ILO Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) and the ILO Convention concerning the minimum age for employment (No. 138) ~~and calls upon States parties to these instruments to comply in a timely manner with their reporting obligations; to involve employers' and workers' organizations and other concerned groups in their implementation, and to facilitate the participation of working children in planning, programming and reporting processes related to these Ceonventions.~~

Children alleged to have or recognized as having infringed penal law

²⁵ Illegal migrants are routinely detained upon their arrival in a third country, sometimes for several months. It is not uncommon that separated children who are entitled to special protection and who cannot be legally detained with adults, are held together with other migrants without due separation and special support from the authorities. See for instance OMCT "Child concern" urgent appeals.

²⁶ Such as abusive domestic work and work on the black market

²⁷ See for instance positions of associations of working children in Latin America (NATs)

3542. *Calls upon:*

(a) 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; and calls upon those States 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;

(b) All States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment;

(c) All States to ~~take appropriate steps to ensure compliance with the principle~~ that depriving children of their liberty ~~should-is 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 provided with adequate legal assistance and are separated from adults, 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 imprisonment²⁸, forced labour, corporal punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, 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;

d) All States to develop juvenile justice systems and special procedures in line with all relevant international standards on juvenile justice, with special support to diversion, mediation procedures and alternatives to imprisonment for all under 18 in conflict with the law;

e) All States, to develop their national statistical capacities and to use disaggregate statistics, inter alia, by age, gender, other relevant factors, in the area of juvenile justice, including statistics on all under 18 in detention.

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

3643. *Calls upon* all States:

(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 policies, programmes and practices and to collect comprehensive and disaggregated gender-specific data, to facilitate the participation of child victims of sexual abuse and exploitation in the development of strategies and to ensure the effective implementation of relevant international instruments

²⁸ CRC Article 37: States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

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 implement the Yokohama Global Commitment, and in doing so, to recognise the problem of sexual exploitation and abuse of all persons under 18 in its totality

(c) To give all children the right to special protection against sexual exploitation up to the age of 18 and to separate the legal age of sexual consent from the upper age of protection against sexual exploitation.²⁹

(d) ~~(b)~~—To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(ee) To ~~consider ratifying~~ or ~~acceding~~ accede to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(fd) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family, in contexts of child marriage³⁰, or for commercial purposes, child pornography and child prostitution, child trafficking, child sex tourism, the sale of children and their organs, and the use of the Internet for these purposes, while ensuring that, 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 children be not criminalised or further victimised, and take effective measures against the criminalization of children who are victims of exploitation, and to take effective measures to ensure prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country where the crime was committed, or in

²⁹ A child under 18 should not be considered as able to consent to engagement in prostitution, pornography and/or trafficking for sexual purposes – whatever the legal minimum age of sexual consent is. The criminal responsibility should rest solely with the perpetrator.

³⁰ Child marriage increases the vulnerability of girls in particular to sexual abuse and exploitation through all stages in their lives, and puts very young girls at risk of health problems associated with early sexual intercourse and pregnancy. Many girls married at a young age have limited schooling or training in self-sufficiency skills, which increases their economic dependence on husbands. Child marriage is also associated with later divorce or abandonment, which often means acute poverty for the girl or young woman and leaves them more vulnerable to resorting to some form of commercial sex to survive. Child marriage can be regarded as a form of commercial sexual exploitation of children, where a child is to be used for sexual purposes, through marriage, in exchange for cash, goods or kind. This is the case where parents or a family marry off a child in order to gain benefit or support to the family. Different societies have different perceptions of childhood, but most governments have committed through the Convention on the Rights of the Child to ensure the overall protection of children and young people aged under 18.

the offender's country of origin, or in the country of destination, in accordance with due process of law;

(ge) In cases of the sale of children, child prostitution and child pornography, to effectively address the needs of victims, including their physical and psychological recovery and full reintegration into society;

(fh) To develop measures combating all factors leading to the increasing demand for the existence of a market that encourages such criminal practices against children, including through addressing underlying social norms and constructs which contribute to create demand for sex with children the adoption and through effective application of preventive prevention and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as ensuring through public awareness campaigns and the immediate dismissal and prosecution of any person in public or private service who facilitates, profits or sexually exploit children;³¹

(ig) To afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, including assistance in obtaining evidence at their disposal for the proceedings;

(hj) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children;

3744. *Requests* the Special Rapporteur on the sale of children, child prostitution and child pornography to submit a report to the Commission at its sixtieth-sixty-first session;

VI. PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

3845. *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 conflict, and takes note of the importance of the debates held by the Security Council, on children and armed conflict, of Council resolutions 1379 (2001) of 20 November 2001, and 1460 (2003) of 30 January 2003 and of the undertaking by the Council to give special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the

³¹ Note: Social constructions directly and indirectly facilitate and/or encourage sexually exploitative behavior. These elements include socio-cultural norms that tolerate and subtly sanction the misuse of power by adults over children, which combined with other manifestations of inequality such as gender and race differentials create vulnerability for children to sexual exploitation and abuse by adults. As these constructs underpin social interactions between adults and children they must be addressed and inform preventive action.

protection of children in the mandates of peacekeeping operations as well as the inclusion of child protection advisers in these operations;

~~38bis~~46 Encourages the Security Council to systematically engage in dialogue with parties to armed conflict and to establish a culture of accountability for crimes against children, exploitation and other forms of violence and abuse of children, including rape of boys and girls³².

39.47 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 adopted at the twenty-seventh International Conference of the Red Cross and Red Crescent;

~~480.~~ ~~Takes note the entry into force of the Rome Statute of the International Criminal Court (A/CONF.183/9), and notes in particular the inclusion therein, as a war crime, Recognizes the inclusion in the Rome Statute of the International Criminal Court as a war crime, of crimes involving sexual violence and crimes (GA 58/157) of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts;~~

49. Urges all States:

a) in ratifying the Optional Protocol to raise the age of voluntary recruitment to the highest extent possible and reminds them that no voluntary recruitment of under 18s is permitted without full and effective compliance with the Protocol's safeguards.

(b) to protect children affected by armed conflict, in particular to protect them from acts that constitute violations of international humanitarian law and human rights law and to ensure that they receive timely, effective and unhindered humanitarian assistance as well as support for physical and psychological recovery; (GA 58/157)

50. Urges all States and all other parties to armed conflicts to:

(a) respect fully their obligations under international humanitarian law and human rights law including the Convention on the Rights of the Child, its Optional Protocols and the African Charter on the Rights and Welfare of the Child;

(b) prevent and end the recruitment and use of children in situations of armed conflict, in particular those identified in the annexes of the report of the Special Representative of the Secretary-General for Children and Armed Conflict (E/CN.4/2004/70), and urges these parties to immediately end such recruitment and use and develop concrete, time-bound action plans to prevent such recruitment and to demobilize all children in their forces;

³² Rationale: The incidence of sexual abuse and exploitation of children in all types of situations of emergency (natural, civil and armed conflict) is increasingly recognized and documented including the abduction of children as sex slaves to combating groups. This factor is not addressed adequately in section VI.

- (c) ensure their demobilization, effective disarmament and rehabilitations, physical and psychological recovering and reintegration into society, taking into account questions of nationality of child soldiers who have crossed borders and children of girl soldiers;
- (d) to ensure the disarmament and demobilization of girl soldiers, giving systematic consideration to their rights, needs and capacities during conflict and in post-conflict situations, and to implement gender-sensitive measures for their rehabilitation, physical and psychological recovery and reintegration into society, in consultation with the girls themselves;

- 50. Requests the Special Representative of the Secretary-General for Children and Armed Conflict to submit a progress report on the parties listed in the Annexes to his report with his next report to the Commission and to recommend actions to be taken by the Commission on Human Rights in cases where no progress is shown.

4251. *Calls upon:*

(*ea*) 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, to ensure adequate child protection training of their staff and personnel, taking into account the Secretary General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse T/SGB/2003/13 of 9 October 2003, 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;

(*eb*) 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;

4352. *Recommends* that, whenever sanctions are imposed, in particular 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 Red Crescent;

VII. RECOVERY AND SOCIAL REINTEGRATION

44. *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 and in the rehabilitation and social integration of the victims, such assistance and cooperation to be undertaken in consultation among concerned States and relevant international organizations as well as other relevant actors;

55. *Recommends* that all actions aiming at the social reintegration of children in difficult situations be developed with their meaningful participation and be based on their views and on the resilience and skills that these children have developed in the conditions in which they live.

VIII

45. *Decides*:

(a) To request the Secretary-General to submit to the Commission at its sixtieth-first 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 sixtieth-first session under the same agenda item;
