



# OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



## Rights of the child

### Commission on Human Rights resolution 2001/75

*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,

*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,

*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 Survival, Protection and Development of the Child in the 1990s adopted in September 1990 by the World Summit for Children (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,

*Welcoming* the role 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,

*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,

*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,

*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,

*Stressing* the importance of taking into account a child rights approach in the preparations for 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,

*Welcoming* the reports of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/2001/74), of the Special Rapporteur on the right to education (E/CN.4/2001/52), of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2001/78 and Add.1-2), of the Special Representative of the Secretary-General on the impact of armed conflict on children to the General Assembly at its fifty-fifth session (A/55/442) and to the Commission at its fifty-seventh session (E/CN.4/2001/76), and the report of the Secretary-General on children and armed conflict (A/55/163-S/2000/712),

*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,

*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,

*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 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,

*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,

*Welcoming also* the convening of the Second World Congress against Commercial Sexual Exploitation of Children in Yokohama, Japan, in December 2001, and the regional consultation meetings,

## 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 ratifying or acceding 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;

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;

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;

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;

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 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;

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;

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;

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;

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;

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;

## 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,

11. *Calls upon* all States:

(a) To continue to intensify efforts to ensure the registration of all children 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;

### **Health**

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

12. *Calls upon* all States to take all appropriate measures 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, 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;

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;

### **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 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;

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;

### **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;

18. *Calls upon* all States to take all appropriate national, bilateral and multilateral measures to prevent all forms of violence against children 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;

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;

### **III. NON-DISCRIMINATION**

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;

### **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:

(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;

(b) To eliminate all forms of discrimination against girls, including all forms of violence, 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 girls;

### **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, where necessary, to develop and enforce legislation against their discrimination to ensure dignity, promote self-reliance and facilitate the child's active participation in the community, including adequate and effective access to education of good quality for children with disabilities and their parents, taking into account the situation of children with disabilities living in poverty;

### **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;

## **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, rehabilitation and reintegration of these children, and to adopt economic and social solutions to address the problems of children working and/or living on the street;

### **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;

### **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 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;

27. *Calls upon* all States that have not yet done so to consider ratifying 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;

### **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*:

(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;

(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, 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 forced labour or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education and basic instruction, 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;

### **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:

(a) To take all appropriate national, bilateral and multilateral measures, *inter alia* to develop national laws, 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;

(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 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 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 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 preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children;

30. *Decides* to renew the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography for a further three years, and requests the Special Rapporteur to submit a report to the Commission at its fifty-eighth session;

## 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;

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;

33. *Notes* 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;

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 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;

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 Nations 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;

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

## VIII.

38. *Decides:*

(a) To request the Secretary-General to submit to the Commission at its fifty-eighth 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-eighth session under the same agenda item.

*79th meeting  
25 April 2001*

[Adopted without a vote. .]