



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



Rights of the child

Commission on Human Rights resolution 2000/85

The Commission on Human Rights,

Bearing in mind the Convention on the Rights of the Child, emphasizing that the provisions of this Convention 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 interest of the child shall be the primary consideration in all actions concerning children,

Reaffirming its resolution 1999/80 of 28 April 1999 and General Assembly resolutions 54/149 and 54/148 of 17 December 1999, as well as all previous resolutions on this subject,

Welcoming the tenth anniversary of the entry into force of the Convention on the Rights of the Child, which constitutes an occasion for the renewal of commitment to the rights of the child,

Welcoming also the preparatory process for the special session of the General Assembly to be convened in 2001 by way of follow-up to 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 for Children, as a reaffirmation of their commitment to children, and encouraging the establishment of forward-looking strategies,

Reaffirming the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children 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 adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which, *inter alia*, states 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, sale of children and organs, child prostitution and child pornography, as well as other forms of sexual abuse, and which reaffirms that all human rights and fundamental freedoms are universal,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of poverty, inadequate social and economic conditions in an increasingly globalized world economy, pandemics, natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, 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 laid out in relevant international instruments,

Reaffirming that the family is the fundamental group of society and the natural environment for the growth and well-being of the children and recognizing that the child should grow up in a family environment and social atmosphere of 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,

Reaffirming the importance of access by children to the highest attainable standard of social services, which are an integral part of, and contribute positively to, social and economic development and recognizing that the primary responsibility for ensuring provision of and universal access to social services rests with

Governments, and that international cooperation to enhance social development would facilitate the provision of basic services for all,

Calling for the further mainstreaming of a gender perspective in all policies and programmes relating to children,

Reaffirming the fundamental principle set forth in the Vienna Declaration and Programme of Action 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,

Welcoming the adoption, on 26 April 2000, of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (resolution 2000/59, annex B) and of a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (ibid., annex A), which develop the principles and provisions of the Convention and represent an important step towards improving the standards of protection accorded to children,

Welcoming also the unanimous adoption in June 1999 of International Labour Organization Convention No. 182 the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and reaffirming the right of the child to be protected from economic exploitation and from performing any work 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, in accordance with obligations under the Convention on the Rights of the Child and the aim of effective abolition of child labour contrary to accepted international standards, giving priority to immediate and concrete action for the elimination of the worst forms of child labour and to the rehabilitation and social reintegration of the children concerned, as well as to the search for alternatives to child labour and for a better socio-economic environment to prevent child labour,

Reaffirming the need for States to ensure that every child alleged to have or recognized as having infringed the penal law is treated with dignity in accordance with their obligations under the Convention on the Rights of the Child and other relevant international human rights instruments, including the International Covenant on Civil and Political Rights, and expressing deep concern, *inter alia*, about cases of children prosecuted without account being taken of their special needs, kept in arbitrary detention, subjected to torture or cruel, inhuman or degrading treatment or punishment or subjected to punishment, contrary to accepted international standards,

Reaffirming also the obligation of States to protect children from torture, other cruel, inhuman or degrading treatment or punishment and other forms of abuse and welcoming the decision of the Committee on the Rights of the Child to devote a theme day during its twenty-fifth session to State violence against children,

Noting with appreciation the commemorative meeting on the tenth anniversary of the Convention on the Rights of the Child held jointly by the Committee on the Rights of the Child and the Office of the United Nations High Commissioner for Human Rights, and taking note of the decision of the Committee to adopt a general comment on child participation as envisaged in the Convention, bearing in mind that participation includes, but is not limited to, consultation and proactive initiatives by children and youth themselves,

Welcoming the proclamation by the General Assembly of 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 ongoing implementation by the United Nations Children's Fund of the human rights-based approach in fulfilling its mandate to promote the rights of the child, including through its medium-term plan, and encouraging the organization to continue to derive lessons and identify best practices from this process,

Welcoming further the development of a global strategic framework on young people and human immunodeficiency virus/acquired immune deficiency syndrome, based on a human rights approach, initiated by the Joint United Nations Programme on HIV/AIDS working in partnership with Joint Programme co-sponsors and in consultation with relevant parts of the United Nations system,

Recognizing that partnership between Governments, international organizations and all sectors of civil society, in particular non-governmental organizations, as well as the private sector, is important to realizing the rights of the child,

Stressing the importance of integrating child-related issues into the work of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in the year 2001,

I. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

1. *Welcomes* the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/2000/70);

2. *Urges once again* those States that have not yet done so to positively consider signing and ratifying or acceding to the Convention as a matter of priority, having in mind the tenth anniversary of the entry into force of the Convention on the Rights of the Child;

3. *Welcomes* the unprecedented number of States (191) that have ratified or acceded to the Convention, as an indication of the universal commitment to the rights of the child;

4. *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, and that children are able to express their opinions on matters affecting them and that these opinions are listened to and given due weight;

5. *Also calls upon* States parties to assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views being given due weight in accordance with the age and maturity of the child;

6. *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;

7. *Calls upon* States parties:

(a) To accept, as a matter of priority, the amendment to paragraph 2, article 43, of the Convention;

(b) To comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee on the Rights of the Child, 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;

8. *Welcomes* 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, 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 creating awareness of the principles and provisions of the Convention;

9. *Calls upon* States parties to ensure, when electing the members of the Committee on the Rights of the Child in accordance with article 43 of the Convention, 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;

10. *Also calls upon* States to strengthen efforts to improve national systems for the collection of comprehensive and disaggregated data, including gender-specific data, for all areas covered by the Convention;

11. *Reaffirms* the importance of ensuring adequate and systematic training in the rights of the child for professional groups working with and for children, *inter alia*, specialized judges, law enforcement officials,

lawyers, social workers, medical doctors and teachers, and coordination between various governmental bodies involved in children's rights;

12. *Urges* States to take all appropriate measures for the implementation of their obligations under the Convention, bearing in mind article 4 of the Convention;

13. *Recommends* that, within their mandates, all relevant human rights mechanisms, in particular special rapporteurs and working groups, and all other relevant organs and mechanisms of the United Nations system and the specialized agencies regularly and systematically take a child's rights perspective into account in the implementation of their mandates, especially by paying attention to particular situations in which children are in danger and where their rights are violated, and that they take into account the work of the Committee on the Rights of the Child;

14. *Decides*, with regard to the Committee on the Rights of the Child, 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, while noting the temporary support given by the plan of action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention, 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 RIGHTS OF CHILDREN

Identity, family relations and birth registration

15. *Calls upon* all States:

(a) 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;

(d) 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 interest 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;

Health

16. *Calls upon* all States:

(a) And relevant bodies and organizations of the United Nations system, in particular the World Health Organization, to pay particular attention to the development of sustainable health systems and social services to ensure the effective prevention of diseases, malnutrition, disabilities and infant and child mortality, including through prenatal and postnatal health care, as well as the provision of necessary medical treatment and health care to all children, taking into consideration the special needs of young children, including prevention of common infectious diseases, the special needs of adolescents, including those relating to reproductive and sexual health and threats from substance abuse and violence, and the particular needs of children living in poverty, children in situations of armed conflict and in vulnerable groups;

(b) And relevant bodies and organizations of the United Nations system, in particular the World Health Organization, to continue to promote education and training of health professionals and other relevant

health-related workers in human rights, in particular the rights of the child and the human rights of women and girls;

(c) To adopt all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children affected by disease and malnutrition, including protection from all forms of discrimination, abuse or neglect, in particular in the access to and provision of health care;

17. *Encourages* the Committee on the Rights of the Child to continue to give attention to the realization of the highest attainable standard of health and access to health care, and takes note of the recommendations adopted on HIV/AIDS;

18. *Urges* Governments to take all necessary measures to protect children infected and/or affected by HIV/AIDS from all forms of discrimination, stigma, abuse and neglect, in particular in the access to and provision of health, education and social services;

19. *Calls upon* the international community, relevant United Nations agencies, funds and programmes and intergovernmental and non-governmental organizations;

(a) To give importance also to the treatment and rehabilitation of the children infected with HIV/AIDS and invites them to consider further involving the private sector;

(b) To intensify their support of national efforts against HIV/AIDS aimed at providing assistance to children infected or affected by the epidemic, focusing particularly on the worst-hit regions of Africa and where the epidemic is severely setting back national development gains;

Education

20. *Calls upon* States:

(a) To recognize the right to education on the basis of equal opportunity by making primary education compulsory and ensuring that all children have access to free and relevant primary education, as well as making secondary education generally available and accessible to all, and in particular by the progressive introduction of free education;

(b) Which have not been able to secure compulsory primary education, free of charge, to work out and adopt a detailed plan of action for the progressive implementation of the principle of compulsory education free of charge for all;

(c) To ensure that emphasis is given to the qualitative aspects of education, 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, and that education is directed, *inter alia*, to the development of respect for human rights and fundamental freedoms and to the preparation of the child for a responsible life in a free society, in a spirit of understanding, peace, tolerance, gender equality and friendship among peoples, ethnic, national and religious groups, and persons of indigenous origin;

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

(e) To remove educational disparities and make education accessible to children living in poverty, children living in remote areas, children with special educational needs and children requiring special protection, including refugee children, migrant children, street children, children deprived of their liberty, indigenous children and children belonging to minorities;

(f) And educational institutions and the United Nations system, in particular the United Nations Children's Fund, the United Nations Development Fund for Women and the United Nations Educational, Scientific and Cultural Organization, to develop and implement gender-sensitive strategies to address the particular needs of the girl child in education;

21. *Encourages* all relevant actors to strengthen action at the national, regional and international levels, particularly through education, to:

(a) Ensure that children, from an early age, benefit from education on values, attitudes, modes of behaviour and ways of life to enable them to resolve any dispute peacefully and in a spirit of respect for human dignity and of tolerance and non-discrimination;

(b) Involve children in activities for instilling in them the values and goals of a culture of peace;

Freedom from violence

22. *Reaffirms* the obligation of States to protect children from torture and other cruel, inhuman or degrading treatment or punishment;

23. *Calls upon* States:

(a) 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, including physical, mental and sexual violence, abuse by the police, other law enforcement authorities or employees in juvenile detention centres or orphanages, and domestic violence;

(b) 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;

24. *Requests* all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, to pay attention to the special situations of violence against children, reflecting their experiences in the field;

III. NON-DISCRIMINATION

25. *Reaffirms* the obligation of States to ensure the rights of the child without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status, and to take all appropriate measures to ensure that the child is protected against all forms of discrimination;

The girl child

26. *Reaffirms* General Assembly resolutions 54/148 and 54/133 of 17 December 1999 on the girl child and on traditional practices affecting the health of women and the girl child, respectively, and takes note of Sub-Commission on the Promotion and Protection of Human Rights resolution 1999/13 of 25 August 1999 on traditional practices affecting the health of women and the girl child;

27. *Calls upon* all States:

(a) To take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms and to base programmes and policies for the girl child on the rights of the child and women;

(b) And non-governmental organizations, individually and collectively, to set goals and to develop and effectively implement gender-sensitive strategies to address the rights and needs of children, in accordance with their obligations under the Convention on the Rights of the Child, especially the rights and particular needs of girls in education, health and nutrition, and to eliminate harmful traditional or customary attitudes and practices against girls;

(c) To eliminate all forms of discrimination against girls and the root causes of son preference, which result in harmful and unethical practices, *inter alia* by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls from violence, including female infanticide and prenatal sex selection, genital mutilation, incest, rape, domestic violence, sexual abuse and exploitation, and by developing age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

(d) To eradicate traditional or customary practices, particularly female genital mutilation, that are harmful to or discriminatory against women and girls and that are violations of human rights and fundamental freedoms of women and girls through the development and implementation of legislation and policies prohibiting such practices, the prosecution of perpetrators of such practices, and awareness-raising programmes, education and training, involving, among others, leaders of public opinion, educators, religious leaders, medical practitioners, women's health and family planning organizations, the media, parents and young people, in order to achieve the total elimination of these practices, and to support women's organizations at the national and local levels that are working for the elimination of female genital mutilation and other harmful traditional or customary practices violating the human rights of women and girls;

(e) To enact and enforce strictly laws to ensure that marriage is entered into only with the free and full consent of the intending spouses, to enact and to enforce strictly laws concerning the minimum legal age of consent and the minimum age for marriage and to raise the minimum age for marriage where necessary;

28. *Urges* the Office of the United Nations High Commissioner for Human Rights to provide administrative assistance to the Special Rapporteur on traditional practices affecting the health of women and the girl child of the Sub-Commission on the Promotion and Protection of Human Rights to enable her to proceed with her work;

Children with disabilities

29. *Calls upon* all States:

(a) To adopt all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities and to develop policy measures and to develop and enforce legislation prohibiting discrimination against children with disabilities;

(b) To adopt an integrated approach to providing adequate support and appropriate education for children with disabilities and their parents, in a manner which promotes the child's achievement of self-reliance and the fullest possible social integration, individual development and active participation in the community;

Migrant children

30. *Also calls upon* States:

(a) To protect all the human rights of migrant children, in particular unaccompanied migrant children, and ensure that the best interests of the child shall accordingly be a primary consideration, and encourages the Committee on the Rights of the Child, the United Nations Children's Fund and other relevant United Nations bodies, within their respective mandates, to pay particular attention to the conditions of migrant children, and as appropriate, make recommendations to strengthen their protection;

(b) To cooperate fully with and assist the Special Rapporteur on the human rights of migrants, in order to address the particular vulnerable conditions of migrant children;

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

Children working and/or living on the street

31. *Further calls upon* all States:

- (a) To examine and devise comprehensive economic and social solutions, at the national and international levels, to the problems causing children to work and/or to live on the street;
- (b) To adopt, promote and implement appropriate programmes and policies for the protection and the rehabilitation and reintegration of these children, taking into account that such children are particularly vulnerable to all forms of violence, abuse, exploitation and neglect, especially the girl child;
- (c) To ensure that services are provided for children to divert them from, and address the economic imperatives for, involvement in harmful, exploitative and abusive activity;
- (d) To recognize the right to education by making primary education compulsory, to ensure that all children have access to free primary education as a key strategy to prevent children working on the street, recognizing in particular the important role of the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund in this regard, to recognize that primary education is one of the main instruments for reintegrating child workers and to develop and implement programmes designed to integrate working children into the formal education sector;
- (e) To take the situation of children working and/or living on the street into account when preparing reports to the Committee on the Rights of the Child, and encourages the Committee and other relevant bodies and organizations of the United Nations system, within their existing mandates, to increase attention to the question of children working and/or living on the street;
- (f) To guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent and effective measures to prevent the killing of children working and/or living on the street and to combat torture and violence against them, as well as their recruitment into armed forces or groups in breach of international standards and their sexual exploitation, to bring the perpetrators to justice and to ensure strict compliance with applicable international human rights instruments, including the Convention on the Rights of the Child, including the requirement that legal and juridical processes respect the rights of the child;

Refugee and internally displaced children

32. *Calls upon* all States:

- (a) And other parties to armed conflicts to bear in mind that refugee and internally displaced children are particularly exposed to risks in connection with armed conflicts, such as being recruited in violation of international standards or subjected to sexual violence, abuse or exploitation, and stresses the special vulnerability of unaccompanied refugee and internally displaced children, and calls upon Governments and United Nations bodies and organizations to give those situations urgent attention, enhancing protection and assistance mechanisms;
- (b) To increase protection of refugee and internally displaced children, including through policies for their care, well-being and development, in such areas as health, education and psychosocial rehabilitation, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the Representative of the Secretary-General on internally displaced persons and the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, in accordance with their obligations under the Convention on the Rights of the Child;
- (c) And United Nations bodies and agencies, in coordination with other international humanitarian organizations such as the International Committee of the Red Cross, to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification, and to pay particular attention to the special protection needs of children with a view to developing programmes for voluntary repatriation, local integration and resettlement;
- (d) To cooperate with and assist the Representative of the Secretary-General in his ongoing efforts to pay specific attention to the special needs of children;

Progressive elimination of child labour

33. *Calls upon* all States:

(a) To translate into concrete action their commitment to the progressive and effective elimination of child labour contrary to accepted international standards and urges them, as a matter of priority, to eliminate the worst forms of child labour, such as forced labour, forced or compulsory recruitment of children for use in armed conflict, bonded labour and other forms of slavery;

(b) That have not yet done so to consider ratifying the conventions of the International Labour Organization relating to child labour, in particular Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Convention No. 29 (1930) concerning Forced or Compulsory Labour and Convention No. 138 (1973) concerning Minimum Age for Admission to Employment;

(c) To examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to child labour contrary to accepted international standards;

(d) To promote education as a key strategy to prevent child labour contrary to accepted international standards, including the creation of vocational training opportunities and apprenticeship programmes and integrating working children into the formal education system;

34. *Also calls upon* all States systematically to assess and examine the magnitude, nature and causes of child labour and to elaborate and implement strategies for the elimination of child labour contrary to accepted international standards, giving special attention to specific dangers faced by girls, as well as to the rehabilitation and social reintegration of the children concerned;

Children alleged to have or recognized as having infringed the penal law

35. *Reaffirms* the need for States to ensure that every child alleged to have or recognized as having infringed the penal law is treated with dignity in accordance with their obligations under the Convention on the Rights of the Child and other relevant international human rights instruments, including the International Covenant on Civil and Political Rights, expressing deep concern, *inter alia*, about cases of children prosecuted without account being taken of their special needs, kept in arbitrary detention, subjected to torture or cruel, inhuman or degrading treatment or punishment or subjected to punishment contrary to accepted international standards and, in this regard, calls upon States to take all the necessary measures to protect children from these practices;

36. *Calls upon* States:

(a) To ensure that all structures, procedures and programmes in the administration of justice with regard to children who infringe the penal law promote their re-education and rehabilitation, encouraging, whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, and providing that human rights and legal safeguards are fully respected;

(b) 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;

(c) 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;

(d) Parties to comply with the Convention, in their national legislation and practice, and all States to bear in mind the Guidelines for Action on Children in the Criminal Justice System which appear in the annex

to Economic and Social Council resolution 1997/30 of 21 July 1997, the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) adopted by the General Assembly in resolution 45/112 of 14 December 1990, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) adopted by the Assembly in resolution 40/33 of 29 November 1985 and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty adopted by the Assembly in resolution 45/113 of 14 December 1990, taking into account the best interest of the child;

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

37. *Welcomes* the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2000/73 and Add.1-3);

38. *Calls upon* States:

(a) To take:

(i) All appropriate national, bilateral and multilateral measures to ensure the effective application of relevant international standards concerning the prevention and the combat of trafficking and sale of children, child prostitution and child pornography and encourages all actors of civil society and the media to cooperate in efforts to this end;

(ii) Into account the particular problems posed by the use of the Internet in this regard and to protect children from the practices referred to in subparagraph (i) above, while ensuring that, in the treatment by the criminal justice system of children who are victims, the best interest of the child shall be a primary consideration, and taking into account the concrete measures outlined in the Vienna Declaration and Programme of Action and in the programmes of action adopted by the Commission in 1992, 1993 and 1996;

(b) And, in this regard, to enact, review and revise, where appropriate, relevant laws, policies, programmes and practices;

(c) And, in this context, to consider the positive input by other international initiatives outside the United Nations system and to encourage regional and interregional efforts with the objective of identifying best practices and issues requiring particularly urgent action, such as the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in August 1996 (A/51/385, annex), and the Declaration of the Vienna International Conference on Combating Child Pornography on the Internet, held in Vienna from 29 September to 1 October 1999;

(d) 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, including child sex tourism, while ensuring that, in the treatment by the criminal justice system of children who are victims, the best interest 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;

39. *Requests* States to increase cooperation and concerted action, at the national, regional and international levels, including in the context of the United Nations, by all relevant authorities and institutions, in particular law enforcement authorities, in order to adopt and implement effective measures, including the sharing of relevant data, for the prevention and eradication of child sex tourism, the sale of children and of their sexual exploitation and abuse, and to prevent and dismantle networks trafficking in children;

40. *Stresses* the need 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;

41. *Encourages* Governments to facilitate the active participation of child victims of sexual exploitation or abuse in the development and implementation of strategies to protect children from sexual exploitation and abuse;

42. *Expresses its support* for the work of the Special Rapporteur on the sale of children, calls upon States to cooperate closely with and assist her and to furnish all information requested, including by inviting her to visit their countries, invites further voluntary contributions through the Office of the United Nations High Commissioner for Human Rights and all the necessary human and financial assistance to be provided for her work for the effective fulfilment of her mandate and to enable her to submit an interim report to the General Assembly at its fifty-fifth session and a report to the Commission at its fifty-seventh session;

VI. PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

43. *Welcomes* the report of the Special Representative of the Secretary-General on children and armed conflict to the General Assembly at its fifty-fourth session (A/54/430, annex) and his additional report to the Commission at its present session (E/CN.4/2000/71);

44. *Calls upon* all States:

(a) 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) 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, including training programmes and emergency relief operations, country programmes and field operations aimed at promoting peace and preventing and resolving conflicts, as well as negotiating and implementing peace agreements and, given the long-term consequences for society, underlines the importance of including specific provisions for children, including resourcing, in peace agreements and in arrangements negotiated by parties;

45. *Calls upon* all States and other parties concerned to continue to cooperate with the Special Representative, to implement the commitments they have undertaken, to consider carefully all the recommendations of the Special Representative and to address the issues identified, and welcomes the continued support and voluntary contributions that are being provided to the work of the Special Representative;

46. *Recognizes*, in this regard, the contribution of the establishment of the International Criminal Court to ending impunity for perpetrators of certain crimes committed against children, as defined in the Rome Statute of the Court (art. 8) (A/CONF.183/9), *inter alia* those involving sexual violence or child soldiers, and thus to the prevention of such crimes, and calls upon States to consider signing and ratifying the Rome Statute;

47. *Condemns* the abduction of children in situations of armed conflict and into armed conflicts, urges States, international organizations and other concerned parties to take all appropriate measures to secure the unconditional release of all abducted children and urges States to bring the perpetrators to justice, in accordance with due process of law;

48. *Notes* the importance of the second debate held by the Security Council, on 25 August 1999, 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;

49. *Calls upon* all parties to armed conflicts to ensure the full, safe and unhindered access of humanitarian personnel and the delivery of humanitarian assistance to all children affected by armed conflict;

50. *Calls upon* States and relevant United Nations bodies to continue to support national and international mine action efforts, including by financial contributions, mine awareness programmes, 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 its implementation by those States that become parties to it, and welcomes the positive effects on children of concrete legislative measures with respect to anti-personnel mines;

51. *Notes with concern* the impact of small arms and light weapons on children in situations of armed conflict, in particular as a result of their illicit production and traffic, and calls upon States to address this problem;

52. *Welcomes* the ongoing efforts by, *inter alia*, regional organizations, intergovernmental organizations and non-governmental organizations to ensure the effective application of international standards concerning the participation of children in armed conflict, and their demobilization, recovery and social reintegration;

53. *Urges* all parties to armed conflicts to ensure that the protection, welfare and rights of children are taken into account during peace negotiations and throughout the process of consolidating peace in the aftermath of conflict;

54. *Urges* States and United Nations agencies and bodies, in particular the United Nations Children's Fund, non-governmental organizations and the Special Representative of the Secretary-General, to continue to focus attention on those who involve children as soldiers in armed conflicts in breach of international standards;

55. *Decides*, with regard to the Special Representative of the Secretary-General on children and armed conflict, to recommend that the Special Representative and the relevant parts of the United Nations system continue to develop a concerted approach on the rights, protection and welfare of children affected by armed conflict, and to increase cooperation among their respective mandates and with national and international non-governmental organizations including, as appropriate, in the planning of field visits and follow-up to the recommendations of the Special Representative;

56. *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 they are humanitarian exemptions, they be child-focused and formulated with clear guidelines for their application, and reaffirms the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent;

VII. RECOVERY AND SOCIAL REINTEGRATION

57. *Urges* States and all other relevant actors:

(a) To take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim of any form of neglect; exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts;

(b) To allocate appropriate resources for comprehensive and gender-sensitive programmes for the recovery of child victims of the above-mentioned violations of the rights of the child;

58. *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 by concerned States and other relevant international organizations;

VIII.

59. *Decides*:

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

68th meeting
27 April 2000
[Adopted without a vote.]