



OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS



Rights of the child

Commission on Human Rights resolution 1999/80

The Commission on Human Rights,

Bearing in mind the Convention on the Rights of the Child,

Reaffirming its resolution 1998/76 of 22 April 1998 and General Assembly resolutions 53/128, 53/127, 53/117, 53/111, 53/116 and 53/122, of 9 December 1998, as well as all previous resolutions on this subject,

Reaffirming the Declaration and Plan of Action adopted by the World Summit for Children in 1990 (A/45/625, annex) and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (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 aggravated by the current international financial crisis 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,

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

Recognizing that the adoption of legislation is necessary but not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action,

Recommending 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,

Welcoming the rights-based approach adopted by the United Nations Children's Fund and the steps taken to further increase system-wide coordination and cooperation for the promotion and protection of the rights of the child,

Also welcoming the fact that, guided by the principles and provisions of the Convention on the Rights of the Child, the special situation of children has been taken into account in the outcome of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (A/CONF.183/9),

Recalling the open debates of the Security Council in which the issue of children in armed conflict has been taken up,

Welcoming the special dialogue on the rights of the child held during the fifty-fifth session of the Commission, which in this instance focused on the marginalization and exclusion of children, and encouraging further contributions to the ongoing discussions within the United Nations on the rights of the child, particularly to commemorate the tenth anniversary of the Convention,

Recommending that all relevant organs and mechanisms of the United Nations system take active part in the follow-up to the World Summit for Children and promote the preparatory work for the special session of the General Assembly to be held in the year 2001,

I

Implementation of the Convention on the Rights of the Child

1. Welcomes:

(a) The unprecedented number of 191 States that have ratified or acceded to the Convention on the Rights of the Child as a universal commitment to the rights of the child and urges once again those States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, having in mind the tenth anniversaries, in the year 2000, of the World Summit for Children and the entry into force of the Convention;

(b) 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, and

takes note of the reports of the Committee on its twelfth to seventeenth sessions (A/53/41) and eighteenth and nineteenth sessions (CRC/C/79 and CRC/C/80, respectively);

(c) The positive results of the cooperation between the Committee on the Rights of the Child and the United Nations Children's Fund, as well as specialized agencies and other relevant actors, supports the rights-based approach adopted by the Children's Fund, and encourages its further development;

(d) The increasing contribution of non-governmental organizations, inter alia through providing information to the Committee and States parties, when the latter are preparing their reports to the Committee, and through contributing, where they can, in the implementation of the Committee's recommendations for the effective implementation of the Convention;

(e) The decision adopted by the Committee to organize, with the Office of the High Commissioner and the United Nations Children's Fund, a two-day workshop during its twenty-second session entitled "The Convention on the Rights of the Child: A Decade of Achievements and Challenges";

(f) The invitation by the General Assembly to the Committee to enhance further the constructive dialogue with the States parties and the transparent and effective functioning of the Committee;

2. Calls upon States parties:

(a) 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;

(b) To ensure adequate and systematic training 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;

(c) To intensify efforts to ensure the registration of all children immediately after birth and 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 on the Rights of the Child;

(d) To cooperate closely with the Committee on the Rights of the Child and 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;

(e) To withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

(f) To accept the amendment to paragraph 2 of article 43 of the Convention, adopted by the Conference of States Parties to the Convention on 12 December 1995 and ratified by the General Assembly in resolution 50/155 of 21 December 1995, which would increase the membership of the Committee on the Rights of the Child from 10 to 18 experts and requests the Secretary-General to invite those States parties that have not yet accepted the amendment to consider doing so;

(g) 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;

3. 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 on the Rights of the Child;

II

Protection and promotion of the rights of the girl child

4. Welcomes:

(a) General Assembly resolution 52/100 of 12 December 1997 and 52/231 of 4 June 1998, in which it decided that the high-level plenary review to appraise and assess the progress achieved in the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women adopted in 1985 by the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace (United Nations publication, Sales No. E.85.IV.10) (chap. I, sect. A) and the implementation of the Beijing Declaration and Platform for Action of the Fourth World Conference on Women (A/CONF.177/20, chap. I), should be held as a special session of the General Assembly in the year 2000;

(b) All relevant conclusions relating to the girl child adopted by the Commission on the Status of Women, in particular at its forty-second session (see E/1998/27);

5. Reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of Action (A/CONF.157/23) and in the Beijing Declaration and Platform for Action that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights;

6. Notes resolution 1998/16 of 21 August 1998 on traditional practices affecting the health of women and the girl child, adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

7. 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, and to take effective action against violations of those rights and freedoms and to base programmes and policies for the girl child on the rights of the child and of women;

(b) And international 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 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 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, public opinion leaders, 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;

8. Decides to approve the recommendation of the Sub-Commission, contained in its resolution 1998/16, that the mandate of Ms. Halima Embarek Warzazi as Special Rapporteur on traditional practices affecting the health of women and the girl child be extended to ensure the completion of her task as called for in Sub-Commission resolution 1996/19 of 29 August 1996 and urges the Office of the United Nations High Commissioner for Human Rights to provide administrative assistance to the Special Rapporteur to enable her to proceed with her work.

_____ III

Prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography

9. Welcomes:

(a) The report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1999/71), which focuses this year on the issues of sale and trafficking of children;

(b) The report of the Working Group on the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on its fifth session (E/CN.4/1999/74);

(c) The United Nations Educational, Scientific and Cultural Organization expert meeting, held in Paris on 18 and 19 January 1999, entitled “Sexual Abuse of Children, Child Pornography and Paedophilia on the Internet: An International Challenge” and its declaration and action plan, and encourages follow-up in cooperation with the Special Rapporteur;

10. Reaffirms the obligation of States parties to prevent the abduction of, the sale of or traffic in children for any purpose or in any form and to protect the child from all forms of sexual exploitation or abuse, in accordance with articles 35 and 34 of the Convention on the Rights of the Child;

11. Calls upon all States:

(a) To take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form, and any form of sexual exploitation or abuse of children, including within the family, or for commercial purposes, child pornography and child prostitution, and through child sex tourism, taking into account the particular problems posed by the use of the Internet in this regard, and to protect children from these practices, while ensuring that the child victims are not penalized for such practices, in accordance with the provisions of the Convention on the Rights of the Child 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 its follow-up, inter alia the Child Welfare Experts' Meeting of the Asia-Europe Meeting, held in London from 6 to 8 October 1998;

(d) And relevant United Nations bodies and agencies to allocate appropriate resources for comprehensive and gender-sensitive programmes to rehabilitate physically and psychologically child victims of sale, trafficking, abduction and of any form of sexual exploitation and abuse, and to take all appropriate measures to promote their full recovery and social reintegration;

(e) To criminalize effectively and to ensure the prosecution of offenders, whether local or foreign, by the competent national authorities, either in the offender's country of origin or in the destination country, in accordance with due process of law;

(f) To increase cooperation and concerted action, at the national and international levels, by all relevant authorities and institutions, especially the law enforcement authorities, to combat effectively the existence of a market that encourages such criminal practices against children and to dismantle national and international networks trafficking in children, and encourages all actors of civil society and the media to cooperate in efforts to eradicate this phenomenon;

(g) To cooperate closely with and assist the Special Rapporteur on the sale of children, child prostitution and child pornography and to furnish all information requested, including by inviting her to visit their countries;

12. Encourages Governments to consult and facilitate the active participation of children who have been victims of sexual exploitation or abuse in the development and implementation of strategies to protect children from all forms of sexual exploitation and abuse;

13. Decides:

(a) To request the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance, to urge all relevant parts of the United Nations system to cooperate closely with the Special Rapporteur in order to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-fourth session and a report to the Commission at its fifty-sixth session;

(b) With regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:

(i) To invite the Chairperson of the Working Group to conduct broad informal consultations, with the aim of promoting an early agreement on the optional protocol, and, if possible, to produce a report thereon by the end of 1999, including recommendations on how to finalize the formal negotiations;

(ii) To request the Working Group to meet early in 2000 in order to make further progress with the aim of finalizing its work before the tenth anniversary of the entry into force of the Convention, and to report to the Commission at its fifty-sixth session;

- (iii) To request the Secretary-General to give the necessary support to the Working Group to meet for a maximum of two weeks, and to transmit the report of the Working Group to Governments, relevant United Nations bodies and specialized agencies, the Committee on the Rights of the Child, the relevant Special Rapporteur and intergovernmental and non-governmental organizations, and to invite their comments in time for circulation prior to the next session of the Working Group, and invites the Committee on the Rights of the Child to consider being represented and the Special Rapporteur to consider being present at the next session of the Working Group;

IV

Protection of children affected by armed conflict

14. Welcomes:

(a) The report of the Special Representative of the Secretary-General on the question of the impact of armed conflict on children to the General Assembly (A/53/482, annex) and his oral report to the Commission at its fifty-fifth session, while noting that he has not presented an updated written report as requested by the General Assembly in its resolution 51/77 of 12 December 1996, and expresses its support for his work for children affected by armed conflict, in particular to raise worldwide awareness and to mobilize official and public opinion for the protection of children affected by armed conflict, including through field visits, in order to promote respect for children's rights and needs in conflict and post-conflict situations;

(b) The actions undertaken, within the scope of their mandates by, inter alia, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights, to ensure the promotion and protection of the rights of children affected by armed conflict, including through their advocacy and operational activities;

(c) The report of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts on its fifth session (E/CN.4/1999/73);

(d) The ongoing efforts by, inter alia, regional organizations, intergovernmental organizations and non-governmental organizations, to bring to an end the use of children as soldiers in armed conflicts, and hopes that these efforts will help in creating a greater awareness on this issue and in reaching a consensus in raising the standards contained in article 38 of the Convention on the Rights of the Child;

(e) The contribution of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and recalls in particular the relevant qualification in the Rome Statute of the International Criminal Court of the conscription, enlistment or use for active participation in hostilities of child soldiers as a war crime, which will contribute to making it possible to end impunity for the perpetrators of such crimes;

(f) The increased international efforts in various forums with respect to anti-personnel mines, recognizes the positive effects on children of those efforts and, in this regard, takes due note of the entry into force on 1 March 1999 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 the entry into force on 3 December 1998 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) (CCW/CONF.I/16, Part I, annex B) of 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 its implementation by those States that become parties to it;

15. Reaffirms:

(a) That the rights of the child as laid out in international human rights instruments and international humanitarian law are at their most pertinent in time of armed conflict, expresses grave concern at the numerous damaging effects of armed conflicts on children and emphasizes the need for the world community to focus increased attention on this serious problem with a view to alleviating those effects;

(b) That rape and certain other forms of sexual violence of comparable gravity can, in the conduct of armed conflict, constitute a war crime, and under certain defined circumstances such acts can constitute crimes against humanity, as clarified in the relevant provisions of, inter alia, the Rome Statute of the International Criminal Court; in addition under certain circumstances such acts can contribute to the crime of genocide, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and calls upon all States to take all measures required for the protection of children and women from all acts of gender-based violence, including rape and other forms of sexual violence, sexual exploitation and forced pregnancy, and to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

(c) The condemnation of the abduction of children in situations of armed conflict and into armed conflicts, and urges States, international organizations and other concerned parties to take all appropriate measures to secure the unconditional release of all abducted children;

(d) That all humanitarian responses in situations of armed conflict should emphasize the importance of relevant measures to ensure respect for the rights of the child, including physical and psychological recovery and social reintegration, especially the special reproductive health needs of girls and women, including those that arise from pregnancy as a result of rape, sexual mutilation, childbirth at an early age or infection with sexually transmitted diseases, as well as human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS), and access to family planning services;

(e) The importance of preventive measures such as early-warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the enjoyment of the rights of the child, and urges Governments and the international community to promote sustainable human development;

(f) Its support for the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent, that whenever sanctions are imposed in the context of armed conflict, their impact on children be assessed and monitored and, to the extent there are humanitarian exceptions, they be child-focused and formulated with clear guidelines for their application;

(g) The urgent need to raise the current minimum age limit set by article 38 of the Convention on the Rights of the Child on the recruitment and participation of any person in armed conflicts with the aim of reaching a higher standard of protection of children and of coming to an early conclusion of the work of the Working Group on a draft optional protocol to the Convention on the involvement of children in armed conflict, especially in view of the tenth anniversary of the entry into force of the Convention;

16. 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, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent of 1995 entitled “Protection of the civil population in period of armed conflict”, and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;

(b) And other parties to armed conflict to end the use of children as soldiers and ensure their demobilization, and to implement effective measures for the rehabilitation and reintegration into society of child soldiers and combatants, child victims in cases of armed conflict or foreign occupation, and invites the international community to assist in this endeavour;

(c) And other parties concerned to continue to cooperate with the Special Representative of the Secretary-General, to implement the commitments they have undertaken, and to consider carefully all the recommendations of the Special Representative and to address the issues identified;

(d) In accordance with the norms, rules and provisions of international human rights instruments and international humanitarian law, to integrate in the training and gender-sensitized education programmes of their armed forces and civilian police, including those for peacekeeping, instruction on their responsibilities towards the civilian population, particularly women and children, and training to address the particular needs of children in armed conflict;

(e) To address the impact on children of the use of weapons in situations of armed conflict and to address the problem of the impact of small arms and light weapons on children in armed conflict situations, in particular as a result of their illicit production and traffic;

(f) And relevant United Nations bodies to continue to support national and international mine action efforts, including by continuing to contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, and to take further action to promote gender- and age-appropriate mine-awareness

programmes, victim assistance and child-centred rehabilitation, thereby reducing the number and the plight of child victims;

17. Decides, with regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts:

(a) To invite the Chairperson of the Working Group to continue broad informal consultations, with the aim of promoting an early agreement on the optional protocol, and, if possible, to produce a report thereon by the end of 1999, including recommendations on how to finalize the formal negotiations;

(b) To request the Working Group to meet early in 2000 in order to make further progress with the aim of finalizing its work before the tenth anniversary of the entry into force of the Convention, and to report to the Commission at its fifty-sixth session;

(c) To request the Secretary-General to give the necessary support to the Working Group to meet for a maximum of two weeks, and to transmit the report of the Working Group to Governments, relevant United Nations bodies and specialized agencies, the Committee on the Rights of the Child, the Special Representative on the question of the impact of armed conflict on children, and intergovernmental and non-governmental organizations, and to invite their comments in time for circulation prior to the next session of the Working Group, and invites the Committee on the Rights of the Child, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies to consider being represented and the Special Representative to consider being present at the next session of the Working Group;

18. Decides, with regard to the Special Representative of the Secretary-General on the question of the impact of armed conflict on children:

(a) 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;

(b) To request the Secretary-General to ensure that the necessary support is made available expeditiously to the Special Representative for the effective performance of his mandate, and encourages the United Nations system, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the High Commissioner for Human Rights, to continue to provide support to the Special Representative, including with regard to his field visits, and calls upon States and other institutions to continue to provide voluntary contributions to the Special Representative;

19. Decides, with regard to preventive measures, to request the Secretary-General, in cooperation with States, international organizations and relevant non-governmental organizations, to continue to encourage

regional training programmes for members of the armed forces relating to the protection of children and women during armed conflicts;

V

Protection of refugee and internally displaced children

20. Welcomes:

(a) The development of field activities at an operational level initiated by the United Nations High Commissioner for Refugees in cooperation with relevant partners, in particular the training and capacity-building initiative “Action for the Rights of Children”;

(b) The report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/1999/79 and Add.1-2) and notes the comments received on the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), invites the Representative to continue to pay specific attention to the special needs of children and calls upon all States to cooperate with and assist the Representative;

21. 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 forcibly recruited 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;

Progressive elimination of child labour

22. Reaffirms:

(a) 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;

(b) 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;

23. Welcomes the legislative, administrative, social and educational measures taken by Governments aimed at the effective abolition of child labour, taking into account the relevant provisions of the Convention on the Rights of the Child and of the international instruments of the International Labour Organization, as well as the measures outlined in the Programme of Action for the Elimination of the Exploitation of Child Labour of 1993 and the Copenhagen Declaration on Social Development and the Programme of Action adopted by the World Summit for Social Development in 1995, and, in the same context, calls upon relevant United Nations agencies and bodies, in particular the International Labour Organization and the United Nations Children's Fund, to continue to support those national efforts, and takes note with appreciation of the adoption by the International Labour Conference at its eighty-sixth session, on 18 June 1998, of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up;

24. Calls upon all States:

(a) That have not yet done so to consider ratifying the conventions of the International Labour Organization relating to child labour, in particular the Forced Labour Convention, 1930 (Convention No. 29) and the Minimum Age for Admission to Employment Convention, 1973 (Convention No. 138);

(b) 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, bonded labour and other forms of slavery;

(c) To support the International Labour Organization in developing an effective and promotional follow-up to the ILO Declaration on Fundamental Principles and Rights at Work to address the problem of child labour and to support constructively, in close cooperation with workers' and employers' representatives, a prompt and successful conclusion of the negotiations at the International Labour Organization of a convention and recommendation on the elimination of the worst forms of child labour;

(d) Systematically to assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund and workers' and employers' organizations, the magnitude, nature and causes of child labour, with a view to a consolidated worldwide assessment of child labour, and to develop and implement strategies for the elimination of child labour contrary to accepted international standards, giving special attention to specific dangers faced by girls;

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

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

(g) To strengthen international cooperation and coordination, inter alia, through the United Nations programme of advisory services in the field of human rights, the International Programme on the Elimination of Child Labour of the International Labour Organization and activities of the United Nations Children's Fund, and calls upon the International Labour Organization to assist its members, upon request, in order to attain the objective of effective abolition of child labour, by making full use of its constitutional, operational and budgetary resources;

(h) To strengthen partnerships at the national level with workers' and employers' organizations, as well as with other relevant sectors of civil society, including media and non-governmental organizations, as appropriate, to address the problem of child labour;

VII

Protection of children working and/or living on the street

25. Calls upon all States:

(a) To seek comprehensive solutions to the problems causing children to work and/or to live on the street, and to adopt 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;

(b) 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;

(c) To take the situation of children working and/or living on the street fully into account in preparing their 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;

(d) 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, to bring the perpetrators to justice and to ensure strict compliance with 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;

(e) And the international community to support, through effective international cooperation, the efforts of States to improve the situation of children working and/or living on the street, including in urban settlements, in accordance with the Habitat Agenda (A/CONF.165/14, chap. I) adopted by the United Nations Conference on Human Settlements (Habitat II), held in Istanbul, in June 1996;

VIII

Promotion and protection of the rights of children alleged

to have or recognized as having infringed the penal law

26. Reaffirms the need to ensure that every child alleged to have or recognized as having infringed the penal law is treated with dignity in accordance with the principles and relevant provisions of 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 taking into account 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;

27. Welcomes:

(a) The follow-up by the Committee on the Rights of the Child of the implementation of articles 37 and 40 of the Convention by States parties, making concrete recommendations concerning the improvement of the national systems of administration of justice for children, including through the use of advisory services and technical cooperation provided by the Office of the United Nations High Commissioner for Human Rights and other relevant United Nations entities;

(b) The establishment of the Coordination Panel on technical advice and assistance in juvenile justice in order to facilitate the coordination of activities in this field undertaken by relevant entities of the United Nations system as well as non-governmental organizations, professional groups and academic societies involved in the provision of technical advice and assistance;

28. 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 deprived of the 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 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;

IX

Promotion of the rights of children with disabilities

29. Welcomes:

(a) The increased attention given by the Committee on the Rights of the Child to children with disabilities and takes note of the thematic discussion held in 1997 on the rights of children with disabilities, as well as the recommendations adopted;

(b) The establishment of a working group of key disability and children's rights organizations, together with international experts, with the aim of elaborating a plan of action in respect of the recommendations of the Committee on the Rights of the Child on children with disabilities, in close cooperation with the Special Rapporteur on disability of the Commission for Social Development;

30. Reaffirms the need to take a holistic approach to disability and to promote for children with disabilities a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community, including effective access to education and health services, stressing that all children are equal members of the society;

31. 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 affected by disabilities and to develop and enforce legislation forbidding discrimination against children with disabilities;

(b) To adopt an integrated approach to providing adequate support and appropriate education for children affected by disabilities in a manner conducive to the child's achieving the fullest possible social integration and individual development;

(c) Parties, in complying with their reporting obligations to the Committee on the Rights of the Child under paragraph 1 of article 44 of the Convention, to include, in accordance with the Committee's guidelines, information on the situation and the needs of children with disabilities, including disaggregated data, and on the measures taken to ensure to such children their enjoyment of the rights under the Convention;

X

Promotion of the child's right to health

32. Reaffirms:

(a) That the right of the child to the enjoyment of the highest attainable standard of health and access to health care, as set out in article 24 of the Convention on the Rights of the Child, is an integral part of the full realization of all their human rights, which are universal, indivisible and interdependent;

(b) The right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development, and expresses deep concern about the number of children living below these standards and infant and child mortality due to preventable diseases, all over the world, in particular in the developing countries;

(c) The importance of the agreed conclusions on social services for all which appear in the annex to resolution 37/1 adopted by the Commission for Social Development at its thirty-seventh session (see E/1999/26-E/CN.5/1999/15, chap. I) and recognizes that social services are an integral part of, and contribute positively to, social and economic development, 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;

33. Welcomes:

(a) The increased attention given by the Committee on the Rights of the Child to the realization of the highest attainable standard of health and access to health care, and takes note of the thematic discussion held at its nineteenth session in 1998 on the rights of children living in a world with human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS), as well as the recommendations adopted (CRC/C/80, para. 243);

(b) The development of a global strategic framework on young people and HIV/AIDS, based on a rights approach, initiated by the Joint United Nations Programme on HIV/AIDS (UNAIDS) working in partnership with the UNAIDS co-sponsors and in consultation with relevant parts of the United Nations system;

(c) World Health Assembly resolution WHA 51.22 of 16 May 1998 on the health of young children and adolescents and steps taken to further increase cooperation between the World Health Organization and the Office of the United Nations High Commissioner for Human Rights, the Committee on the Rights of the Child, the United Nations Children's Fund and other relevant partners in developing a rights-based approach in programming and implementing programmes to prevent and combat disease, malnutrition and disability;

(d) Welcomes the agreed conclusions adopted by the Commission on the Status of Women at its forty-third session on women and health in March 1999;

34. 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 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 of vulnerable groups;

(b) And relevant bodies and organizations of the United Nations system, in particular the World Health Organization, to ensure education and training of health professionals in human rights, including 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;

Promotion of the right of the child to education

35. Welcomes:

(a) The report of the Special Rapporteur on the right to education (E/CN.4/1999/49);

(b) The increased attention given by the Committee on Economic, Social and Cultural Rights to the right to education, taking note of the thematic discussion held at its nineteenth session in November 1998, and stresses the importance of close cooperation with the Committee on the Rights of the Child, within the scope of their respective mandates;

(c) The high priority accorded to education for all, in particular girls' education, by the United Nations Children's Fund in its programme work and advocacy efforts and takes note of The State of the World's Children 1999 report with its focus on education;

36. Reaffirms the particular importance of the right of the child to education and the goals of Education for All, emphasizing the need for governments to broaden and constantly redefine the scope of basic education, including early childhood care and initial education, to develop a supporting policy context and to mobilize existing and new financial and human resources, including through concerted international action and cooperation;

37. Calls upon States:

(a) To recognize the right to education on the basis of equal opportunities 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 and that the education of the child shall be carried out 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 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 remove educational disparities and make education accessible to children living in poverty, children living in remote areas, children with special education needs and children requiring special protection, including migrant children, indigenous children and children belonging to minorities;

(e) 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, taking into consideration the interdependence of all human rights and the need to develop a comprehensive strategy to eliminate gender discrimination, and to provide gender-sensitive training for school administrators, parents and all members of the school community;

XII

38. Decides:

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

60th meeting

28 April 1999

[Adopted without a vote. See chap. XIII.]