



General Assembly

Seventy-second session

Official Records

Distr.: General
28 November 2017

Original: English

Third Committee

Summary record of the 12th meeting

Held at Headquarters, New York, on Tuesday, 10 October 2017, at 10 a.m.

Chair: Mr. Gunnarsson (Iceland)
later: Mr. Idris (Vice-Chair) (Eritrea)

Contents

- Agenda item 68: Promotion and protection of the rights of children (*continued*)
 - (a) Promotion and protection of the rights of children (*continued*)
 - (b) Follow-up to the outcome of the special session on children (*continued*)
- Agenda item 68: Promotion and protection of the rights of children (*continued*)
 - (a) Promotion and protection of the rights of children (*continued*)*
 - (b) Follow-up to the outcome of the special session on children (*continued*)*
- Agenda item 72: Promotion and protection of human rights
 - (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms*
- Agenda item 68: Promotion and protection of the rights of children (*continued*)
 - (a) Promotion and protection of the rights of children (*continued*)
 - (b) Follow-up to the outcome of the special session on children (*continued*)

* Items considered together.

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (dms@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).



The meeting was called to order at 10.05 a.m.

Agenda item 68: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/72/164, A/72/218, A/72/275, A/72/276 and A/72/356)

(b) Follow-up to the outcome of the special session on children (*continued*) (A/72/208)

1. **Ms. Winter** (Chair, Committee on the Rights of the Child) said that all States but one had ratified or acceded to the Convention on the Rights of the Child. The pace of ratification of the Convention and its Optional Protocols since the previous General Assembly session had, however, been slow: no States had ratified or acceded to the Optional Protocol on the sale of children, child prostitution and child pornography, two States had ratified or acceded to the Optional Protocol on the involvement of children in armed conflict and seven States had ratified or acceded to the Optional Protocol on a communications procedure, bringing the number of States parties to the three optional protocols to 173, 167 and 36, respectively. The submission of reports by States parties could also be improved, as 37 per cent of all reports prepared pursuant to the first Optional Protocol were submitted late and 28 per cent of reports prepared pursuant to the second Optional Protocol. She encouraged Member States to make use of the treaty body capacity-building programme of the Office of the United Nations High Commissioner for Human Rights (OHCHR), which helped States to fulfil their reporting obligations by organizing subregional training-of-trainers workshops and providing national-level support.

2. The Committee had held three sessions in 2017, including one in dual chambers, and had reviewed and adopted concluding observations on 36 States parties' reports, thereby reducing its backlog with regard to the Convention and the first two Optional Protocols to a historic low of 34 reports. The backlog for the third Optional Protocol was, however, steadily increasing: 30 of the communications received in 2017 had been registered, but 140 cases had not yet been registered. The Committee had thus far examined four cases, three concerning Spain and one concerning Costa Rica, all of which had been declared inadmissible. It had also received its first six requests under the inquiry procedure; two procedures had been discontinued, two were ongoing and in two cases, additional information was needed. The Committee had sent seven letters to

States parties raising its concern about reported serious violations of children's rights, and had issued 12 press releases on country or thematic issues, either alone or jointly with other mandate holders.

3. On 31 January 2017, more than 70 States had attended the ninth annual informal meeting of States during the seventy-fourth session of the Committee. Discussions had focused on, inter alia, the Global Study on Children Deprived of Liberty; the simplified reporting procedure; the Optional Protocol on a communications procedure; and concluding observations. In line with General Assembly resolution 68/268, the Committee had started offering States parties the option of submitting reports under the simplified reporting procedure. So far, three States had done so. On 26 September 2017, the Committee had sent a letter to all Member States expressing deep concern that, without the financial support of Member States and other stakeholders, the viability of the Global Study on Children Deprived of Liberty would be jeopardized. The Global Study helped end the invisibility of children deprived of liberty and promote effective alternatives to deprivation of liberty.

4. The Committee had recently adopted three general comments: one on children in street situations; and two, prepared jointly with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, on the human rights of children in the context of international migration. The two joint general comments should be read in conjunction with each other, as one focused on general principles and the other on State obligations in countries of origin, transit, destination and return.

5. The human rights treaty body system was growing and evolving, as demonstrated by increases in the number of treaty ratifications and in the use of the communications and inquiry procedures. Nevertheless, the heavier workload had not resulted in a corresponding increase in financial and human resources. The members of the Committee worked on a pro bono basis, and they were dependent on the assistance of OHCHR staff. She urged Member States to provide additional resources, in accordance with the recommendations contained in the Secretary-General's report on the status of the human rights treaty body system (A/71/118). The Secretary-General had also recently called on Member States to take steps to pre-empt the commission of human rights violations, rather than respond to them afterwards at devastating human and financial cost. Should the necessary

resources not be forthcoming, the Committee would be forced to report that it could not accomplish what was requested of it by Member States.

6. **Mr. O'Brien** (Observer for the European Union) said that, in its determination to eliminate all forms of violence against children, the European Union had revised its Guidelines on the Promotion and Protection of the Rights of the Child in March 2017. The revised guidelines recognized the interdependence and interrelatedness of all rights enshrined in the Convention on the Rights of the Child and aimed to systematically mainstream children's rights into all European Union policies, actions and programmes.

7. In the light of the Committee's recent adoption of general comment No. 20 on the implementation of the rights of the child during adolescence and No. 21 on children in street situations, he asked in what way Member States could step up efforts to eliminate violence against adolescents and street children. In addition, he requested further details on the joint general comments being developed with the Committee on Migrant Workers. Lastly, he asked what impact the implementation of the 2030 Agenda for Sustainable Development had had on the work of the Committee on the Rights of the Child.

8. **Ms. Přikrylová** (Czechia) said that Prague had recently hosted two conferences on the rights of the child, concerning the detention of children in social service institutions and alternatives to detention of migrant children. Czechia had acceded to the Optional Protocol on a communications procedure in 2017 and would include in its first report in 2018 the positive steps which it had taken towards inclusive education, the institutionalization of care for at-risk children and the establishment of an ombudsman for children. Her delegation thanked the Committee for its general comments, which her Government used to ensure that its policies were respectful of children's needs.

9. **Ms. Omiya** (Japan) said that Japan highly appreciated the efforts of the Committee to cope with its heavy workload. She asked what measures the Committee had taken to fulfil the recommendations contained in General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system.

10. **Mr. Kelly** (Ireland) said that in 2016 the Committee had considered the combined third and fourth periodic reports of Ireland. The concluding observations of the Committee would greatly help

Ireland to harmonize its policy towards children with its international obligations. Ireland had made significant strides in the protection and promotion of the rights of the child during the reporting period. It had added an article on family and care proceedings to its Constitution, amended its legislation on child and family law, gender protection and marriage equality, especially with regard to lesbian, gay, bisexual and transgender persons and established the Ministry for Children and Youth Affairs. He requested further recommendations on how to place children's rights at the heart of Member States' policies.

11. **Mr. Forman** (United Kingdom) said that the protection and promotion of children's rights was an integral part of the wider international human rights agenda of the United Kingdom. The United Kingdom was particularly committed to accelerating progress towards achieving target 2 of Goal 6 and target 7 of Goal 8 of the Sustainable Development Goals. As a founding member of the Global Partnership to End Violence against Children, it had stepped up its evidence procedures, policy and programming in that regard.

12. The United Kingdom was at the forefront of international efforts to end harmful practices, including violence against girls, female genital mutilation and child, early and forced marriage. His Government had allocated funding of £35 million to a five-year programme to tackle female genital mutilation, one of the largest of any individual country, and £39 million to the Accelerating Action to End Child Marriage programme, which strengthened legal frameworks and supported the necessary shifts in behaviour to end the practice of child marriage. He encouraged the Committee on the Rights of the Child to continue its efforts to promote the rights of the child and asked for suggestions on how to promote social change in that regard.

13. **Mr. Thórsson** (Iceland) said that the Committee had been exemplary in its implementation of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, especially in its introduction of the simplified reporting procedure and its use of dual chambers. He asked whether any States parties had made use of the capacity-building assistance programme referred to in resolution 68/268.

14. **Ms. Winter** (Chair, Committee on the Rights of the Child) said that increasing investment in education reduced levels of violence in society. One teacher on a low wage could not be expected to keep discipline in a

class of 30 or 40 children without violence, but two or three teachers with a slightly better salary could teach 60 children and produce better results. Violence, including 6 out of 10 cases of sexual violence, also often stemmed from a child's home life. Although countries might impose strict laws against domestic violence, parents who were stressed or overtired were more likely to resort to violence to discipline their children. By contrast, violence in workplaces, such as child labour, was often perpetrated for the sake of company profits. In all cases, the prevention of violence required not only the introduction of legal measures but also improvements in people's education and conscience.

15. General comment No. 20 on the implementation of the rights of the child during adolescence had been based on the recognition that adolescents enjoyed rights that were different to those of young children, needed less overt guidance and had the right, under article 12 of the Convention on the Rights of the Child, to have their voices heard. Health issues for adolescents were also entirely different to those of children, and yet in many countries it was controversial to discuss vaccination, reproductive health or family planning. General comment No. 21 on children in street situations had been drawn up following studies which indicated that the primary wish of children in street situations was not to return home but to be treated with dignity. The Committee was developing additional general comments on the human rights of children in the context of international migration, to whom it referred as children on the move. The rights of children on the move were fundamentally different to those of adults on the move and should be respected, regardless of the child's status as an asylum seeker, refugee or migrant. By the same token, a child arriving in a new territory must enjoy the same rights as children who already lived there.

16. The Chairs of the human rights treaty bodies met regularly to discuss common issues and problems. Recently they had considered ways in which to accelerate the handling of communications procedures, since documents were sometimes issued so late that they were no longer useful. The treaty bodies currently had a backlog of over 300 cases, including some 200 for the Human Rights Committee alone. Under the rules established by Member States, all reports and communications must be translated into the six United Nations official languages. Documents were therefore sometimes issued swiftly by the Secretariat or delegations, but the translation could take up to six months. Member States were reluctant to pay for the

translation themselves, and yet they had also rejected a request by the Secretary-General to earmark funds for the additional staff needed to clear the backlog. In accordance with General Assembly resolution 68/268, the treaty bodies had endeavoured to become more efficient with fewer resources. All members of the Committee on the Rights of the Child worked on a pro bono basis and strict rules had been introduced setting limits of 10,500 words for general communications and 7,500 words for concluding observations.

17. In response to the question asked by the representative of Iceland, she said that OHCHR offered a very effective assistance system, called the treaty body capacity-building programme. The programme had often been used by developing countries, many of which had never submitted reports before or had not done so for decades. In response to the question posed by the representative of Ireland, she said that any Member State could improve its strategies and action plans by ensuring that the national data provided by public bodies were readily available and mutually compatible. No State party reviewed by the Committee had ever had its data completely in order, as individual ministries either refused to release information or failed to adhere to a common statistical system.

Agenda item 68: Promotion and protection of the rights of children *(continued)*

- (a) **Promotion and protection of the rights of children** *(continued)*
- (b) **Follow-up to the outcome of the special session on children** *(continued)*

Agenda item 72: Promotion and protection of human rights

- (b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

18. **Ms. de Boer-Buquicchio** (Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material), introducing the report that she had drafted in conjunction with the Special Rapporteur on trafficking in persons, especially women and children (A/72/164), said that it was the first joint report by two special procedure mandate holders. The report reflected a commitment to ensure complementarity among mandates and mainstream the protection of the rights of

the child within the special procedures system and the human rights monitoring mechanisms.

19. Hundreds of thousands of children were affected by armed conflict and related crises in Iraq, Syria, Somalia, Yemen, the Central African Republic, the Democratic Republic of the Congo, Nigeria, South Sudan and Myanmar. Such crises fostered the conditions in which the sale, trafficking and other forms of exploitation of children flourished.

20. The deployment of peacekeeping forces and international humanitarian personnel in conflict and humanitarian crises had also proven to be a risk factor for children. In that respect, she commended the Secretary-General's renewed efforts to prevent and address that scourge through the appointment of the first Victims' Rights Advocate, whose work would be pivotal in ensuring that victims' voices, needs and concerns were central to the response of the United Nations and its Member States. Member States should also make efforts to prevent their nationals serving under the United Nations umbrella from sexually abusing and exploiting children. Reparation should be made for victims based on a victim-centred approach that prioritized the right of victims to be heard and participate in decisions affecting them.

21. Armed conflicts, natural disasters and humanitarian crisis were at the origin of mass displacement and migration, including of children. The international community had an international obligation to address and prevent the risks of the sale, trafficking and other forms of exploitation of children, regardless of the child's status and the territory in which they found themselves. There had been myriad reports and calls for action, but the international community needed to move to action and implementation. Member States must place more emphasis on reducing the vulnerabilities of children by tackling the root causes such as inequality, poverty and discrimination and must strengthen child protection systems by tackling their deficiencies and addressing the reasons why children avoided such systems.

22. **Ms. Giammarinaro** (Special Rapporteur on trafficking in persons, especially women and children) continued the introduction of the joint report. She said that, on the basis of the legal definition of trafficking, any girl or boy under the age of 18 years who had been transferred, recruited, harboured or "received" — which also meant employed — for the purpose of exploitation was a trafficked child, regardless of whether the child had given consent. The sad reality of trafficking of

children was widespread, not only in countries of origin of migration flows and areas where slavery-like practices were rooted in traditional social customs, but also in transit and destination countries, many of which were developed countries, for children fleeing conflict and humanitarian crisis. The failure of States to protect such children could not be condoned.

23. Children in transit countries, and particularly in countries of first arrival, including European countries, faced high risks of exploitation linked with the attempts of national authorities to stop them, prevent them from continuing their journey, and return them to their countries of origin after a quick procedure aimed at identifying the location of their families. Such policies, which denied children any legal channel for reaching a preferred country where one part of their family had already settled, were the main reason that so many children disappeared from State-run facilities. Unfortunately, in such situations migrant children, including those potentially entitled to asylum, could easily fall prey to traffickers. One of the main causes of the vulnerability of boys and girls to trafficking was the restrictive immigration policies adopted by many States. The poisonous political discourse in many countries gave rise to fear and intolerance and led to anti-migration or even racist positions. In fact, adolescents were often specifically targeted because they were viewed as adults attempting to hide their true ages to abuse protective legislation.

24. In the context of the global compact for safe, orderly and regular migration, it was necessary to establish legal channels for migration, including for family reunification, and to reconcile migration policies and anti-trafficking policies. Migration policies often created irregularities and made it easier to exploit child migrants, despite their stated aim of eradicating trafficking in persons. Accurate and early screening procedures should be established at the place of first arrival of a large influx of migrants. Interviews should be carried out in a child-friendly setting, preferably by trained social workers. The aim of such screenings should be to listen to the child and identify the most appropriate form of protection, without infringing on the child's right to apply for asylum or other forms of international protection.

25. Children on the move, especially those traveling alone, must be protected first and foremost as children. Child protection systems and best-interest determination procedures must be established in order to identify and implement viable and long-term

solutions for every child. The presumption of minor age must always be consistently implemented. Assistance measures, including residence status for victims of trafficking, should be considered and implemented as an additional channel of protection for children on the move. Such measures could offer a more favourable solution for children close to adulthood, since they could be renewed and prolonged beyond the date on which a child reached the age of majority and child protection measures expired.

26. In addition to assistance and residence status, trafficked children were entitled to access to justice and remedies, including compensation, non-punitive safeguards and legal counselling. However, research showed that trafficked children were the least likely to receive compensation. Assistance given to children was not a substitute for compensation, and their right to compensation was an autonomous entitlement that States must guarantee.

27. Furthermore, in all cases of trafficked persons, and especially for trafficked children, assistance measures should never be made conditional on their cooperation with law enforcement authorities. In addition to existing identification procedures, which were formulated predominantly as conditional procedures, States should establish an additional channel of identification, based on indicators of vulnerabilities, which also served as indicators of the risk of trafficking. That new identification model should apply to adult migrants in vulnerable situations and to all migrant children, and should be implemented through cooperation between non-governmental organizations and civil authorities. In conclusion, she urged States to implement the core recommendations of the joint report.

28. **Mr. O'Brien** (Observer for the European Union) said that the European Union was determined to eliminate the sale of and trafficking children in Europe in the context of the migration and refugee crisis, and had set forth in law and policy a comprehensive framework to address such terrible violations and abuses in a victim-focused, human rights-based, gender-specific and child-sensitive manner. The European Union was the world's largest aid donor and financed many projects on anti-trafficking action.

29. The joint report contained a recommendation that legislation, policies, measures and practices should guarantee child-sensitive due process in all migration-related proceedings. It would be useful to learn of some examples of where such processes had been put in place. His delegation would also welcome comments by the

Special Rapporteurs on the steps that had been taken so far towards achieving the targets of the 2030 Agenda for Sustainable Development that were specifically related to trafficking and the sexual exploitation of children. He would also welcome further clarification of the recommendation contained in the report that the sale and trafficking of children should be treated as separate crimes.

30. **Ms. Razana** (Maldives) said that Member States must cooperate and demonstrate strong political will, while implementing measures such as real-time information sharing and strengthened border controls, to bring an end to trafficking in children. Above all else, they should cultivate a culture of respect for human rights and love and compassion for children. An environment should be fostered where children could fully enjoy their rights as stipulated in the relevant international conventions. Her delegation welcomed the adoption of the United Nations Global Plan to Combat Trafficking in Persons and recognized the potential of the global compact for safe, orderly and regular migration. She would like to know what provisions to address trafficking in children the Special Rapporteurs wished to see included in the global compact.

31. **Ms. Al-Nussairy** (Iraq) welcomed the joint report of the Special Rapporteurs, particularly the information it contained regarding the horrific treatment of children belonging to the Yazidi religious minority by the terrorist group Islamic State in Iraq and the Levant (ISIL). Although the Iraqi security forces were making every effort to locate children abducted by ISIL and return them to their families, their efforts were often hindered by the fact that such children were frequently trafficked across borders, sometimes following their sale on the internet, making it difficult to determine where those children were located. She asked the Special Rapporteurs what innovative mechanisms could be used to prevent the sale of children in the context of armed conflict, and how stakeholders could raise the resources required to facilitate the return of abducted children to their families, particularly as their captors usually demanded the payment of significant ransoms in return for their release.

32. **Mr. Ariturk** (United States of America) said that although children were disproportionately affected by conflict and humanitarian crises, few existing prevention mechanisms or responses took their specific needs into account. In the Lake Chad region, children had been suffering abuses since 2009 under Boko Haram and the so-called Islamic State West Africa Province.

33. His delegation was alarmed by extensive reports of human rights violations affecting members of the Rohingya community in Burma, including children and even newborn babies. Many children had fled to Bangladesh, and more than 14,000 children were at risk of dying from malnutrition. Conflicts and natural disasters continued to occur, and the potential profit to be made from mistreating and exploiting children remained a powerful motive. The international community had to do better at meeting the needs of children. His delegation wished to know what progress had been made by the United Nations or other stakeholders towards adopting standardized, child-sensitive screening protocols.

34. **Ms. Likina** (Russian Federation) said that international cooperation, particularly within the United Nations, was vital. Unfortunately, minors were often left unprotected, owing to the lack of coordination among Member States' child protection services. She asked how the two Special Rapporteurs interacted with the newly established office of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse and the task force mandated to draft a new strategy on the prevention of such crimes in order to ensure complementarity between their respective mandates. She also wondered how the Special Rapporteurs proposed to ensure that the sale of and trafficking in children was linked to the six grave violations of the rights of children during armed conflict.

35. **Ms. Oehri** (Liechtenstein) said that her delegation would welcome an explanation of how synergy between overlapping rules in the United Nations system was ensured so that certain protection measures were applicable in all situations. She was also interested to hear details of the contributions and efforts of the Special Rapporteurs.

36. **Ms. Diedricks** (South Africa) said that the United Nations Convention against Transnational Organized Crime and its supplementary protocols were a comprehensive instrument to address the crimes associated with the grim situation of children forced to move across borders because of conflict or humanitarian crisis. States should demonstrate a commitment to cooperation, and conclude bilateral agreements to provide mutual legal assistance in order to better solve those problems. Her country, which was affected by those scourges, had agreements with other countries that had helped to resolve cases of trafficked children. The States members of the Southern African Development

Community had adopted a programme to protect the region against the scourge of cross-border trafficking.

37. The Government was committed to the New York Declaration for Refugees and Migrants and the relevant global compacts, while also acknowledging the importance of addressing the root causes of migration. All United Nations specialized agencies, programmes and funds should continue to prioritize such work in their operational activities and their partnerships with States.

38. **Ms. Hindley** (United Kingdom of Great Britain and Northern Ireland) said that the Government had given new powers to law enforcement institutions in order to better identify victims of crimes relating to modern slavery and prosecute those who sought to profit from such crimes. In order to translate political will into action, a coordinated "one United Nations" approach was needed. Tackling modern slavery and human trafficking should be a priority across the three pillars of the United Nations. Child sexual exploitation online was also a global issue and her delegation therefore welcomed the Special Rapporteur's support of the WePROTECT Global Alliance. The Government had significantly increased its investment in addressing those issues through funding pledges and spending on international development aid. It would be helpful to learn how the relevant agencies of the United Nations could be mobilized and cooperation improved. Her delegation also wished to know what measures could be taken to encourage the ratification and implementation of the Convention on the Rights of the Child.

39. **Ms. Benategh** (Libya) asked the Special Rapporteurs to identify the original source of the information contained in paragraph 21 of their joint report. She asked which Libyan groups were perpetrating frequent and serious violence against children in transit to Europe, and in which Libyan jails such children were being held. Turning to paragraph 39, she asked which parties to the conflict in her country were perpetrating sexual violence against migrant girls. Providing Libya with that information would facilitate efforts to uphold the law and combat impunity.

40. Libya was the transit country most affected by illegal migration to Europe via the Mediterranean Sea, and her Government had repeatedly asked the international community to provide the financial resources needed to combat that phenomenon. In closing, she underscored that Libya would continue to cooperate with the Special Rapporteurs and would exert every effort to uphold all human rights, including the

rights of children, in accordance with the relevant human rights instruments.

41. **Ms. Al Emadi** (Qatar) said that the international community had the responsibility to protect children affected by conflict and humanitarian disasters who were at risk of trafficking, sale, sexual exploitation or other forms of violence or abuse. Her delegation would be grateful if the Special Rapporteurs could further clarify the issue of ensuring accountability for violations and crimes committed against children in the context of armed conflict.

42. **Ms. Dravec** (Slovenia) said that a pilot project for the accommodation of unaccompanied minors in need of full-time care had been launched in 2016. Children were placed in student accommodation, and trained professionals worked with them. The Government had carried out long-term programmes to assist victims of trafficking and sexual violence with asylum procedures, and Slovenia had also played a leading role in two European projects to combat trafficking in persons. In the context of the celebration of the International Day of the Girl Child on the following day, her delegation would like to know whether the Special Rapporteurs could identify good practices developed by national or international actors to empower girls in emergency situations and protect them from trafficking, sale and other forms of exploitation, including harmful practices.

43. **Ms. Frechin** (Switzerland) said that the measures taken at all levels should reflect the reality on the ground and take account of the high percentage of children, particularly unaccompanied children, on the move. Her delegation proposed that the Special Rapporteur discuss with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict the feasibility of linking the sale of and trafficking in children with the six grave violations of the rights of children. Her Government supported the Council of Europe Parliamentary Campaign to End Immigration Detention of Children and called for an end to that form of detention. Finally, it would be useful to hear about feasible measures to strengthen the prevention of trafficking in persons and the protection of children in complex contexts such as Libya and the Central Mediterranean route.

44. **Mr. Cepero Aguilar** (Cuba) said that the Special Rapporteur on trafficking in persons, especially women and children, had conducted an official visit to Cuba in April 2017. The prevalence of human trafficking in the country was very low. In February 2017, his Government had adopted a national action plan for the

period 2017–2020 to combat human trafficking and protect victims. The plan was intended to coordinate the efforts of the State and civil society organizations, with a view to effectively enforcing the country's zero-tolerance policy towards human trafficking.

45. His country had made headway in the fight against human trafficking despite the growing complexity of the phenomenon, the country's limited resources and the embargo against Cuba. Long-standing social policies, prevention and public participation had been key in that regard. He asked the Special Rapporteur on trafficking in persons, especially women and children, to provide further details on the in-depth global study on children deprived of liberty, mentioned in paragraph 86(c) of the report.

46. **Mr. de la Mora Salcedo** (Mexico) said that his country was particularly interested in the recommendations set out in paragraph 81(e) of the report, on the creation of safe, child-friendly spaces for migrants and refugees that could be used for recreation, study and rest, and paragraph 82(d), on the assistance to be given to non-nationals. Noting the importance of international cooperation, he said that Mexico welcomed the recommendation contained in paragraph 86(a) on strengthening the exchange of good practices among Governments and civil society. His delegation would be interested to know the thoughts of the Special Rapporteurs on the scope of international cooperation and the role played by the United Nations in that regard, as well as on how to improve international cooperation.

47. **Ms. de Boer-Buquicchio** (Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material), responding to comments and questions from delegations, said that children were often forced to leave their countries because of poverty, inequality or discrimination. It was essential to have robust child protection systems in place. In conflict situations many institutions fell apart, so it was important to focus on prevention measures. The first element was birth registration, so that children could be identified if they subsequently travelled to another country. Resilience was important, and could be built through education and good parenting. Child victims of sexual abuse and other forms of exploitation should have access to reporting mechanisms.

48. States also needed to ask themselves whether they had effective mechanisms to ensure that the perpetrators of such crimes were held accountable. On the question of the distinction between sale and trafficking, there was

often some overlap. Both types of crime should be criminalized in national law and States should prosecute the perpetrators. Countries under whose jurisdiction such crimes against children were committed should be prevented from contributing troops to United Nations operations, and crimes that met the criteria of the definition of war crimes or crimes against humanity could be prosecuted through the International Criminal Court.

49. The example of Yazidi girls abducted and sold like commodities was shocking, and it was hard to imagine how society could be rebuilt following such acts. Major efforts should be put into reparation and reintegration, a long-term task to which the international community could contribute.

50. Good practices in countries of origin, transit and destination were scarce, but included the creation of spaces where children could feel comfortable to speak about their experiences, which ensured not only their rehabilitation but also the initiation of criminal proceedings when appropriate. The appointment and coordination of guardians for children needed to be further addressed, but was feasible.

51. Prevention and accountability were the two primary pillars of efforts to address crimes against children, and she hoped that the 2030 Agenda would provide an opportunity to do so. Clearly, financial investment was needed. The Sustainable Development Goals presented a strategic opportunity to make progress towards ending violence against children, and she and other Special Rapporteurs looked forward to working with States and other actors to that end.

52. **Ms. Giammarinaro** (Special Rapporteur on trafficking in persons, especially women and children), responding to comments and questions from delegations, said that the global compact for safe, orderly and regular migration would send a strong message of the need to establish legal channels for migration and thereby reduce irregularities in migration and the vulnerabilities of migrants, especially children. As recommended in the joint report, it was important to establish effective procedures to interview migrants at the place of first arrival, identify and register children and adults, and formulate tailored, long-term solutions for their recovery and integration with full respect for their rights.

53. When a child reached a country of first arrival, such as Italy, Spain or Greece, the family had often paid a certain amount of money to ensure a safe journey, but

the traffickers would then decide that the amount covered only the first part of the journey. The child was in a difficult position, but, under the pressure of family expectations, compelled to continue. That situation left the child vulnerable to trafficking and exploitation for sexual and other purposes. It was possible to prevent a child from falling prey to traffickers as long as authorities in the country of first arrival identified the vulnerability early on, in a friendly setting, and did not stop the child from continuing the journey to a destination country. The outcome document of the global compact should reflect the fact that children should not be detained for immigration reasons and should not remain in limbo. International cooperation among countries of origin, transit and destination should be improved, and the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities should be revised.

54. Substantial overlap among the definitions of different concepts was not a bad thing. It allowed crimes to be prosecuted under different categories, depending on the circumstances and legal standards. It was also important to criminalize the activities that served as the motivations for trafficking, such as forced labour, slavery, domestic servitude and organ removal.

55. On a recent visit to Jordan, she had witnessed cooperation between local authorities, including religious authorities, and the Office of the United Nations High Commissioner for Refugees on targeted actions to prevent the use of early marriage as a coping mechanism, a dangerous practice that often led to sexual and other exploitation of girls. Such cooperation on prevention was promising and should be replicated in other places.

56. On the question of feasible measures for the Central Mediterranean route, it was important to understand that blocking one route of migration would only lead to the opening of another route somewhere else. One possible solution would be to replicate the experience of humanitarian corridors in Lebanon. The blocking of routes was not recommended and not even possible. Instead, Member States should focus on effective procedures for identifying vulnerabilities at the place of first arrival.

57. **Mr. Khane** (Secretary of the Committee) said that the Special Rapporteurs had produced a joint report, despite the fact that they had received individual mandates relating to different agenda items. The secretariat of the Committee had not been consulted on

that issue, but had been obliged to schedule joint consideration of agenda items 68 and 72. From a procedural perspective, it should be the Committee members, rather than the secretariat or the Special Rapporteurs, who decided on joint consideration of agenda items. The present case should therefore not be considered a precedent. If Member States felt that there was added value in Special Rapporteurs co-authoring a report, then that could be specified in the relevant resolution.

Agenda item 68: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*)

(b) Follow-up to the outcome of the special session on children (*continued*)

58. **Mr. Marshall** (Barbados), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM had developed a road map in 2012, in follow-up to the seminal United Nations Study on Violence against Children. The road map was intended to disseminate the results of the Study, promote follow-up of the recommendations at the subregional and national levels, raise awareness of violence against children in the Caribbean, foster the exchange of experiences and stimulate further progress in priority areas.

59. The road map had been supplemented by the Kingston Declaration, which recognized that the elimination of violence against children was a major challenge requiring sustained and coordinated efforts on the part of Governments, civil society and international organizations, and by the CARICOM Regional Framework for Action for Children, which set out the commitment of member States to protect children against abuse, exploitation, violence, child labour, discrimination, and neglect. In addition, the CARICOM task force on children's rights had developed a regional strategy on the prevention and elimination of violence against children.

60. While increased international attention and determination to end violence against children had accelerated the development of standards and policy frameworks and led to improved data collection, awareness-raising, sharing of best practices and knowledge consolidation, much remained to be done. The gender dimensions of violence against children must be addressed. In addition, greater attention must be

paid to the issues of child labour and children on the move. Armed violence, bullying, abuse, exploitation and cyberviolence were also causes for concern. Corporal punishment, an issue on which there was little consensus, must be properly debated at all levels to determine whether it was consistent with the rights and best interests of children. Noting the sensitivity of such issues, he said that political, cultural and personal shifts were needed to protect children from violence.

61. *Mr. Idris (Eritrea), Vice-Chair, took the Chair.*

62. **Mr. Mminele** (South Africa), speaking on behalf of the Southern African Development Community (SADC), said that all SADC member States had ratified the Convention on the Rights of the Child and the majority had signed the African Charter on the Rights and Welfare of the Child. At the national level, SADC member States had enacted laws and developed action plans for the implementation of those instruments. In June 2016, the SADC Parliamentary Forum had adopted a model law on eradicating child marriage, in support of the African Union's campaign on that subject. Some SADC member States were already making significant progress in outlawing child marriage and ensuring that child brides returned to school, although implementation gaps remained.

63. Children living in conflict areas had limited access to education and were at risk of abduction, human trafficking and forced marriage. Some were recruited as child soldiers or forced into sexual slavery. In addition, the use of rape and sexual abuse as weapons of war increased the risk of girls contracting HIV and other sexually transmitted diseases. While efforts were being made to promote and protect the rights of children in conflict areas, much more needed to be done.

64. It was critical to break the cycle of poverty to ensure that vulnerable children could become responsible citizens. To improve the delivery of basic services, SADC had developed the Strategic Framework and Programme of Action, which addressed the needs of orphans and other vulnerable children and young people. In addition, the SADC Minimum Package of Services for Orphans, Vulnerable Children and Youth identified basic needs in areas such as education, vocational training, health care, sanitation, food security, nutrition, safety, well-being and social protection. All children deserved to live under the protection of a caring family. The family structure provided protection against exploitation, trafficking, child labour, physical, sexual and emotional abuse, and child, early and forced marriage.

65. Young people, particularly women, accounted for the majority of new HIV/AIDS infections, and early and unintended pregnancy rates among adolescent girls remained high across the region. That could largely be attributed to low educational attainment; poor knowledge of how to prevent transmission of HIV; the existence of laws, policies and attitudes that prevented young people from accessing sexual and reproductive health care and HIV-related services; cultural and religious beliefs; and gender-related barriers.

66. **Ms. Krisnamurthi** (Indonesia), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that all ASEAN member States had ratified the Convention on the Rights of the Child and were committed to further strengthening their national laws and regulations. ASEAN had developed a number of cooperation initiatives, such as the Plan of Action to Implement the Joint Declaration on Comprehensive Partnership between ASEAN and the United Nations, for the period 2016–2020, and the Framework Agreement for Cooperation between ASEAN and the United Nations Children’s Fund (UNICEF). Within ASEAN, several mechanisms had also been developed to protect and promote the rights of children and encourage further cooperation.

67. The ASEAN Convention Against Trafficking in Persons, Especially Women and Children, which had entered into force in March 2017, was intended to prevent human trafficking, protect victims, strengthen law enforcement and prosecution, and promote regional and international cooperation and coordination. In September 2017, member States had approved the 2016–2020 workplan of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children. Under the workplan, ASEAN member States agreed to carry out various projects with a view to eliminating child marriage, raising awareness of the impact of climate change on children and improving gender equality in education.

68. The ASEAN Commission would work with the Special Representative of the Secretary-General on Violence against Children, UNICEF and the United Nations Entity for Gender Equality and the Empowerment of Women to implement the ASEAN Regional Plan of Action on Elimination of Violence against Children. ASEAN was also working with other development partners on issues such as training, quality standards, support for victims of human trafficking and non-violent approaches to child-rearing.

69. To effectively respond to violence against children, a comprehensive and holistic approach was needed. States could not work in silos. A good legal framework was not complete without practical measures that could be implemented in the field and an effective law enforcement and monitoring mechanism. Efforts to promote and protect the rights of the child must start from the most basic and fundamental unit of society, namely the family.

70. **Mr. O’Brien** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Armenia, Georgia, the Republic of Moldova and Ukraine, said that the eradication of violence against children, which was one of the European Union’s top priorities, had gained political momentum with the adoption of the Sustainable Development Goals, specifically Goal 16, target 2, on ending abuse, exploitation, trafficking and all forms of violence against and torture of children. Violence against children had significant short, medium and long-term economic costs for individuals, communities and societies. The annual global direct and indirect costs of violence against children were estimated at \$7 trillion.

71. The Convention on the Rights of the Child was an integral part of the European Union’s human rights policy, and his delegation called on States parties to withdraw any reservations to the Convention and its optional protocols. To date, 13 member States of the European Union had ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. In March 2017, the European Union had adopted revised Guidelines on the Promotion and Protection of the Rights of the Child, which were grounded in the Convention on the Rights of the Child and general comment No. 5 on general measures of implementation of the Convention.

72. Concerned by the continued prevalence of violence against children around the world, the European Union had included a specific action on strengthening child protection systems in third countries in the Action Plan on Human Rights and Democracy. The European Union protected children during humanitarian crises by providing psychological and social support, setting up emergency shelters for unaccompanied children and ensuring access to education. Between 2012 and 2016, the European Union

had spent €132 million on education during emergency situations and helped close to 4 million children in 50 countries.

73. The Communication from the European Commission to the European Parliament and the Council on the protection of children in migration addressed the challenges that children faced once they reached European Union territory and provided an overview of the efforts made to protect children in their countries of origin and along the migratory route. The detention of children was a measure of last resort and should be used for the shortest appropriate period of time. Wherever possible, alternatives to detention should be sought. Approximately 15 per cent of victims of human trafficking were children, and an increasing number of girls were being trafficked to the European Union for sexual exploitation. Victims should receive appropriate, gender-specific assistance and protection.

74. The European Union was alert to the risk of children being indoctrinated and exploited by terrorist groups. The Radicalization Awareness Network sought to address the challenge posed by returning foreign terrorist fighters and their families and had developed a manual entitled “Responses to returnees”. Children continued to be recruited and used by armed forces and gangs and were also affected by armed violence. The European Union sought to address all phases of the conflict cycle, including prevention, crisis management, conflict resolution, transitional justice and reconciliation, and was implementing projects in Colombia, the Democratic Republic of the Congo, Lebanon, the Occupied Palestinian Territory and the Sudan that targeted children associated with armed forces and groups and children affected by armed violence, with a focus on reintegration and prevention.

75. Some 152 million children were victims of child labour, with many engaged in hazardous work. At the fourth Global Conference on the Sustained Eradication of Child Labour, which would be held in November 2017, the European Union would present a number of pledges. His delegation was committed to combating child labour, in particular in the garment, conflict minerals and fisheries sectors, by increasing access to education and legal and social protection, improving people’s livelihoods and creating better jobs for young people.

76. In September 2017, the European Union and the United Nations had launched the Spotlight Initiative, a €500 million project to eliminate violence against women and girls. The European Union had also taken

over the leadership of the “Call to Action on Protection from Gender-Based Violence in Emergencies”, a coalition of Governments, donors, international organizations and non-governmental organizations. In 2016, the European Union had allocated €27 million to preventing and responding to gender-based violence. In order to change social norms and eliminate harmful practices, there was a need to engage with boys and men, religious leaders, community chiefs and other members of society. The European Union was increasing its support for programmes aimed at combating child, early and forced marriage, female genital mutilation and son preference.

77. **Ms. Frechin** (Switzerland) said that her country was committed to achieving target 16.2 of the Sustainable Development Goals and had supported the Global Partnership to End Violence Against Children since its launch. The Optional Protocol to the Convention on the Rights of the Child on a communications procedure had entered into force in Switzerland in June 2017.

78. Switzerland was deeply concerned about the situation of children deprived of their liberty, who were particularly vulnerable to violence. Such children often had no access to education and health care and were at risk of becoming radicalized, particularly if detained in inappropriate conditions. Switzerland had participated actively in the Global Counterterrorism Forum regarding the drafting of the Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context and had contributed financially to the global study on children deprived of liberty called for in General Assembly resolution [69/157](#) on the rights of the child.

79. As noted in the report of the Special Representative of the Secretary-General for Children and Armed Conflict ([A/72/276](#)), the denial of humanitarian access to children in armed conflict was a growing trend. All parties to conflicts must facilitate the rapid and unhindered passage of humanitarian aid to children and other civilians.

80. **Ms. Nunoshiba** (Japan) said that the “Learning Strategy for Peace and Growth”, which her Government had launched in 2015, placed particular emphasis on girls’ education. To implement the strategy, her Government was working to improve the environment for girls by building dormitories and increasing the number of restrooms. Gender inequality in education was a serious issue, especially in developing countries. In that connection, Japan had contributed \$3.9 million

to the United Nations Educational, Scientific and Cultural Organization's fund for Asia Pacific regional cooperation on education, with a view to improving education in the region.

81. With regard to violence against children, many countries had difficulties analysing the scale of the problem because of a lack of data collection. At the 2017 high-level political forum on sustainable development, Japan had pledged to take specific measures to end child poverty and violence against children and boost youth employment. It would provide approximately \$10 billion in assistance in the areas of education, health care, disaster risk reduction and gender equality, with a specific focus on children and young people.

82. In addition, Japan had taken various domestic measures. The revised Child Welfare Act guaranteed the right of all children to receive an education and set out the importance of safeguarding their development and welfare, with the support of the Government, local authorities, parents and guardians and the general public. Japan had amended the Law on Child Abuse Prevention to prohibit parents from disciplining their children over and above what was necessary to educate them. In addition, the Basic Plan on Measures against Child Sexual Exploitation had been launched in April 2017 at a ministerial meeting on crime prevention.

83. **Ms. Padilla** (Mexico), speaking as a youth delegate, said that children and adolescents comprised one third of the population of Mexico. While the primary responsibility to protect children lay with individual Member States, there was a need for concerted and inclusive efforts, grounded in statistics and facts. In 2016, the General Assembly had adopted resolution [71/176](#) on protecting children from bullying, which had been sponsored by Mexico. During the seventy-second session, Mexico would work with other Latin American and Caribbean countries and the European Union to ensure that the Assembly took a firm stand against all forms of violence against children.

84. Beyond its work in the Third Committee, Mexico was a pathfinder country in the Global Partnership to End Violence against Children. In addition, it had adopted a plan of action on ending violence against children, which was intended to put an end to corporal punishment, provide support for young victims of violence and safeguard their rights. In 2014, her Government had enacted the General Law on the Rights of Children and Adolescents, which was being implemented through a comprehensive protection system spanning all branches and levels of government.

In addition, Mexico had adopted a strategy to promote the rights of the child that set out 25 goals to be achieved by the year 2025.

85. **Ms. Abdelkawy** (Egypt) said that, despite the existence of an international legal framework on the rights of children, and the particular attention given in the 2030 Agenda to promoting their welfare, children were still more likely to become victims of human rights abuses than adults.

86. Her Government believed strongly that the family was the primary protector of children, as a family environment with a mother and father was needed to produce a physically and psychologically healthy child. In that connection, Egypt was making every effort to implement the Convention on the Rights of the Child, which stipulated, inter alia, that States should provide assistance to families to ensure the well-being of children. Her Government also believed that, to promote children's welfare, it was essential to develop their talents and mental and physical capacities, and to promote respect for their parents, cultural identity, language and values, as indeed was called for in international instruments on children.

87. Egypt deeply appreciated its ongoing collaboration with UNICEF and welcomed the approval by the UNICEF Executive Board in September 2017 of the UNICEF country programme for Egypt. Her Government and Egyptian civil society organizations were also lending their full support to the joint programme launched by UNICEF and the United Nations Population Fund to eradicate female genital mutilation/cutting in Egypt. Pursuant to recent amendments to the country's criminal code, perpetrators of that offence were liable to a penalty of up to seven years' imprisonment.

88. Al-Azhar University and the Egyptian Coptic Orthodox Church, in cooperation with UNICEF, had issued their first joint publication on the protection of children from violence and harmful practices, which included child marriage, female genital mutilation, discrimination against children, child labour, the sexual exploitation of children, lack of family care or shelter, domestic violence, violence in schools, trafficking in children, and violence against children perpetrated by means of modern technology, including the Internet.

89. The National Council for Childhood and Motherhood, in collaboration with the relevant ministries and civil society organizations, had formulated a national child strategy for 2015–2020 to

address the health, developmental, educational, financial, social and safety-related challenges impeding children's full enjoyment of their rights. Furthermore, the National Coordinating Committee on Preventing and Combatting Illegal Migration, in cooperation with the International Organization for Migration had recently held a workshop on the international legal framework applicable to the migration of unaccompanied children, which addressed, inter alia, the legal protections to which such children were entitled, the challenges impeding full implementation of the Convention on the Rights of the Child, and the imposition of non-custodial sentences on children in conflict with the law.

90. In closing, she underscored Egypt's strong commitment to implementing all international instruments on children's rights to which it was a party, in accordance with its traditions and cultural and religious values, as, indeed, was called for in the Convention on the Rights of the Child.

The meeting rose at 1 p.m.