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SUMMARY RECORD OF THE 28th MEETING

Chairman: Mr. SRIVIHOK (Thailand)
(Vice-Chairman)
later: Mr. CISSÉ (Senegal)
(Chairman)

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In the absence of Mr. Cissé (Senegal), Mr. Srivihok (Thailand),
Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

AGENDA ITEM 101: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued)
(A/49/411, A/49/448, A/49/478, A/49/532 and A/49/643; A/C.3/49/6 and
A/C.3/49/14)

1. Mr. OTUYELU (Nigeria) said that his delegation had read with interest the report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography (A/49/478), which underlined the need for all the organizations concerned to coordinate their efforts to provide more effective protection for children. Those efforts had been helped by the entry into force of the Convention on the Rights of the Child, which had been achieved thanks to the support of the United Nations Children's Fund (UNICEF) and all the other organizations concerned with children. However, there must be stronger international collaboration to secure the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography. National and regional plans needed the support of the Centre for Human Rights and other United Nations organs to ensure that countries drafted the necessary legislation for the protection of children.

2. The success achieved with regard to the prevention of illegal adoptions was a cause for satisfaction. The two main instruments on the subject, the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and the 1980 Hague Convention on the Civil Aspects of International Child Abduction guaranteed the protection of the best interests of the child. Thanks in particular to the 1980 Hague Convention, countries could enact the necessary legislation to make it easier for the police to act effectively and decisively in cases of the kidnap or abuse of children. Nigeria therefore urged Member States to ratify the Convention.

3. The Nigerian delegation drew attention to the negative effects on children of the communications media, particularly electronic media. The distortions of reality frequently shown on television tended to falsify values and create unrealistic expectations. Children must be protected against that influence. On the other hand, the support of the communications media was essential in the fight against child prostitution and child pornography. Everything possible must be done to strengthen the family and secure the participation of the communications media, religious groups and non-governmental organizations in the promotion and protection of the rights of the child. Nigeria agreed with the Executive Director of UNICEF, who had emphasized in his introductory statement, among other things, the responsibility of States for the total elimination of all kinds of child abuse and in particular the use of land mines, which had claimed the lives of large numbers of children in areas of conflict.

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4. Mrs. DLAMINI (Swaziland) said that the interests of the child occupied an important place in the work of Swaziland's public and private social welfare institutions, courts of law and legislature. The Government had a social welfare assistance system for children in difficult circumstances, for example orphans, abandoned children and children with disabilities. Orphans were placed in the care of foster families, which received financial assistance for their maintenance. Another possibility was for orphans to be adopted; in both cases strict child-welfare regulations had to be observed. In addition, as the economic situation of many mothers compelled them to seek an income outside the home, the number of day-care centres in which children could receive good care in a healthy environment had been increased.

5. The health of children, especially those under five, was a primary concern of Governments, United Nations organs and non-governmental organizations. In order to cater to the needs of this high-risk group Swaziland had inter alia an expanded programme of immunization, which had produced a reduction in the infant mortality rate from 150 to 98 deaths per 1,000 live births between 1970 and 1991. In order to make the right of every child to enjoy good health into a reality, everything possible was being done to ensure that by 2000 all families would have access to a health centre or clinic within a radius of 8 kilometres of their home. That objective had already been achieved for 70 per cent of the population.

6. Education was one of the cornerstones of social development and enjoyment of human rights. About 50 per cent of the population of Swaziland was under 15, and a significant proportion of the national budget was allocated to education every year. Primary education in the public schools was heavily subsidized by the Government in order to encourage attendance by the largest possible number of children of school age. The education of children with disabilities had proved extremely challenging since there were very few institutions providing such education. It was also very expensive to provide psychological services for disabled children who dropped out of school. Many children in secondary schools received public or private financial assistance in addition to career guidance.

7. Regrettably, Swaziland had to cope with the problem of a steadily increasing number of street children, some of whom used drugs. Institutions must be established for the rehabilitation of such children, and the Government of Swaziland would be grateful for any financial assistance to enable it to provide such a service. Crime related to drug abuse was a big problem for the country. Another health problem which Swaziland shared with the rest of the world was the HIV/AIDS pandemic, which imposed an enormous financial burden. It was to be hoped that, through the various programmes of non-governmental organizations and the United Nations, both young people and adults would heed the call for a change in life-style to contain the spread of the disease. The Government of Swaziland was a signatory of the Convention on the Rights of the Child, and its instruments of ratification would soon be ready.

8. Mr. AMOR (Tunisia) said that, although the proposition that children represented the future of society was indisputable, there were millions of

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children in the world who lived in particularly difficult conditions. That was true of Africa, where children were the main victims of every kind of hardship. However, there were some encouraging signs in Africa, such as for example the proposal to designate the current decade as the decade for the survival, protection and development of children in Africa. In that connection the Tunisian delegation reiterated the appeal of the Council of Ministers of the Organization of African Unity for the incorporation of monitoring arrangements in the national, regional and local plans of the World Declaration on the Survival, Protection and Development of Children in the 1990s. At the international level the adoption of the Convention on the Rights of the Child and its ratification by 150 States, including Tunisia, which had acceded to the Convention in 1991, demonstrated that the world was changing its attitude towards children.

9. In Tunisia children accounted for a third of the total population, and the concern for children was reflected in the legal instruments adopted for their protection and in the strengthening of the institutional framework, the most important result of which had been the creation of the Ministry of Youth and Childhood. In addition, in order to combat the marginalization of children in society, a food allowance fund had been established in order to support children when the head of the family was not complying with his or her obligations in that regard.

10. Tunisia's priority health goal was the reduction of the mortality rate among children under five, and to achieve that goal it had introduced national vaccination programmes and programmes for the eradication of certain diseases. In 1988, 90 per cent of all children had been vaccinated. Tunisia had a school population of 2 million children, and the restructuring of the education system was based on the principle of free and compulsory education for all children aged 6 to 16. The aim was to ensure that by 2000 80 per cent of such children were completing primary school and to achieve a 3 per cent reduction in the drop-out rate by the same date. Within the framework of a national social protection plan for children and young people, Tunisia was giving priority in its legislation to abandoned or neglected children and had established children's villages for the provision of the necessary care.

11. Mr. CRAPATUREANU (Romania), after discussing the international importance of the Convention on the Rights of the Child, said that the commitment made at the World Summit for Children to achieving the goals enshrined in the World Declaration on the Survival, Protection and Development of Children and its Plan of Action had been reflected at the national level in the preparation, completion and implementation of national programmes of action.

12. With respect to the problem of protecting children in especially difficult circumstances, his delegation considered the establishment of open-ended working groups to draft optional protocols to the Convention on the Rights of the Child, as provided for in Commission on Human Rights resolutions 1994/90 and 1994/91, was a timely decision based on what were unfortunate realities in many parts of the world: the sale of children, child prostitution, child pornography and the dramatic situation of children in armed conflict. The contribution of those

working groups and of the Special Rapporteur could provide the basis for the adoption of effective, urgently needed measures in that field.

13. Another problem of great concern was that of adoptions, especially private adoptions arranged by agents of the biological and adoptive parents. Such private arrangements precluded adequate preparation of the parties involved, and it was sometimes difficult to tell the difference between legitimate adoptions and trafficking in children. The international trend encouraged adoption through special agencies. That issue was dealt with in articles 20, 21 and seven others of the Convention, as well as in the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption, finalized following a decision by the Hague Conference on Private International Law in 1988. As a signatory to that Convention, Romania supported its rapid entry into force so that it could provide a necessary safeguard for the interests of children. The problems his country had experienced with adoption in 1990 and mid-1991 had led it to establish the Romanian Committee for Adoptions, a governmental body responsible for the coordination of specific activities in that field.

14. One of the highest priorities on Romania's social agenda had been the provision of protection and assistance to children. Accordingly, steps had been taken to create the appropriate legal and institutional framework, and a far-reaching strategy and specific programmes had been adopted. The Romanian Constitution contained provisions on the protection of children from abuse or injury, the assistance of children with disabilities and the State's responsibility for the physical, intellectual and social development of children and young persons. Laws had been enacted with regard to health care, social protection and education for children in order to help to bring Romanian legislation into line with the Convention on the Rights of the Child. The National Committee for Child Protection, an inter-ministerial body created in March 1993, played the central role in promoting and monitoring strategies for all categories of children and collaborated with all governmental authorities and non-governmental organizations concerned with child protection.

15. All of the above measures had brought about a considerable improvement in the situation of children in recent years. However, further measures were necessary, especially in view of the negative economic and social impact of economic reforms. The perseverance and participation of the entire society in programmes and initiatives in that sphere would make it possible to erase the legacy of the past and to create the conditions necessary for the sound development of future generations.

16. Ms. TOMKINSON (Australia) said she wished to focus attention on child labour, a problem of alarming proportions that had immediate and long-term consequences and affected both developing and developed countries. Article 32 of the Convention on the Rights of the Child made clear the obligations of States parties to take legislative, social and educational measures to protect children from economic exploitation and from any work that might be hazardous to their health or harmful to their physical, mental, spiritual, moral or social development.

17. Australia took seriously its commitment to the protection of children's rights. That was evidenced by its ratification of the Convention on the Rights of the Child, its national programme of action for children, its national action plan on human rights and the Australian Agenda for Families, developed in the context of the International Year of the Family. To deal with such a complex problem, it was necessary to adopt a broad approach that also addressed the problem of poverty. International action should therefore be directed at assisting Governments and local communities through cooperative programmes that provided sustainable long-term solutions to the underlying causes of child exploitation. The International Labour Organization's programme on the elimination of child labour was an excellent model for such action.

18. Australia contributed to international efforts in that field through, inter alia, its overseas development cooperation programme, which targeted mainly developing countries in the Asian and Pacific region. A new health initiative would practically double her country's spending on health assistance, basically by increasing funding for the treatment of poliomyelitis, malaria, neo-natal tetanus and HIV/AIDS, all diseases which had great bearing on child survival and family welfare. Support for micro-enterprises also helped to increase the incomes of poor families and to lessen their dependence on child labour.

19. Although much remained to be done to implement fully the obligations undertaken under the Convention on the Rights of the Child, Australia was pleased to note that a great many countries had become parties to it. All States that had not yet assumed the obligations of that Convention should do so as soon as possible. Australia also supported the development of two optional protocols to the Convention, one relating to the sexual exploitation of children and the other to the involvement of children under 18 years of age in armed conflict.

20. Universal acceptance of the Convention and support for United Nations treaty bodies and relevant working groups were important elements of a commitment to address the problem of the exploitation of children. In that regard, she commended the work of the Special Rapporteur on the sale of children, child prostitution and child pornography, as well as that of the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities. She also welcomed the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and the Programme of Action for the Elimination of the Exploitation of Child Labour.

21. Mrs. SMOLCIC (Uruguay) reiterated her country's concern that a rapid, lasting solution should be found to alleviate the suffering of children in armed conflicts and abandoned, mistreated or exploited children. Uruguay understood that achieving not only respect for but also effective exercise of children's rights, especially those enshrined in the Convention on the Rights of the Child, would take time and effort. It therefore renewed its support for the efforts of the United Nations and the international community, commended the work of the

expert selected to study the repercussions of armed conflict on children, and welcomed and applauded the progress report on that study (A/49/643).

22. Uruguay was convinced of the urgent need for Governments to fulfil and enforce their obligations under the various international legal instruments. The celebration of the United Nations fiftieth anniversary, coinciding as it did with the Year for Tolerance, would be an auspicious time to move towards satisfying people's legitimate aspirations with respect to the work of the Organization. Uruguay accepted the challenge of remaining faithful to principles and of taking urgent, responsible action to ensure that children caught up in conflicts did not come to believe that they had been born into a world without hope.

23. Mr. MOUBARAK (Lebanon) said that the children of his country had suffered from more than a decade of armed violence. A 1988 study of Lebanese children from 3 to 16 years of age showed that they had been exposed to at least five or six traumatic events during their lifetime: 90.3 per cent had been exposed to shelling or combat, 68.4 per cent to displacement and 54.5 per cent to extreme poverty. Furthermore, 26 per cent of those children had had someone close to them die as a result of the fighting and many had been separated from their families. Although the lack of comparable data made the findings difficult to evaluate, the incidence rate was high. That situation had placed heavy constraints on the Government's capacity to satisfy many basic needs, and the resulting hardships had affected the morale of the people; hopelessness and the lack of prospects in the past 16 years had induced people either to leave the country or to adapt to abnormal survival conditions. Children under 16 years of age required serious attention to enable them to overcome the traumas sustained and to resume a normal way of life. They faced all of the social, economic and educational problems of the aftermath of war. They urgently needed rehabilitation and training, particularly in vocational areas, and the expansion of health and family services.

24. Health services, water supply and sanitation systems had greatly deteriorated during the war. One major problem was contamination of the water supply, which affected the entire population, and the fact that only 48 per cent of urban and 29 per cent of rural communities had access to sewage disposal networks, as a result of which there had been an increase in outbreaks of diarrhoea among children. Against that sad background the Government of Lebanon, which was concerned about its future and that of its young people, was seriously undertaking all possible measures to redress the injustices which the war had inflicted on children; his country was pleased to be among those that had ratified the Convention on the Rights of the Child, which was now part of national legislation.

25. In order to follow up the implementation of the Convention, a Parliamentary Committee for the Rights of the Child had been set up, and a study had been commissioned to compile a list of laws currently in force which needed modification to conform with the contents of the Convention. Lebanon had also signed the Declaration adopted by the World Summit for Children and was fully committed to meeting the goals for the year 2000. In addition, the National

Programme of Action was being finalized and would be incorporated into the National Plan. He drew attention to the assistance that had been received from the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Interim Force in Lebanon (UNIFIL), the World Health Organization (WHO) and other organizations in bringing about those positive developments. He also commended the work of non-governmental organizations, United Nations agencies and other international organizations in providing relief assistance, the major part of which had been directed to health activities.

26. Referring to the assistance received from UNICEF, which had pursued its activities during the years of war with courage and drive, he said that the water supply system was being rehabilitated and a diarrhoeal disease control programme was being implemented. In addition, with the help of UNICEF, a major immunization programme was being conducted. Since 1992 no case of poliomyelitis had been reported, and maternal and child health services had improved considerably. In the field of education, the UNICEF Education for Peace Programme had been very successful. He also thanked the donor countries for their manifestations of solidarity, without which many programmes would have been impossible to carry out.

27. Mr. KULYK (Ukraine) said that both the domestic and the foreign policy of Ukraine demonstrated its commitment to the provisions of the World Declaration on the Survival, Protection and Development of Children in the 1990s. His Government was doing everything in its power to fulfil its obligations under the associated Plan of Action. Ukraine, which was a party to the Convention on the Rights of the Child, was currently establishing a legal framework to provide social protection to families with children and to ensure health protection for children. A bill on the rights of the child was also being drafted. The Ukrainian Cabinet of Ministers had recently adopted a resolution on improving the education and social protection of orphans and children left without parental support. In the near future a national programme called "Children of Ukraine" would be adopted.

28. Ukraine wished to express its gratitude to the Executive Board of UNICEF for having supported the rendering of assistance to Ukraine to meet the basic needs of women and children and also to the Government of Canada, which had sponsored that project. Ukraine welcomed the intention of the Regional Office of UNICEF in Europe to foster the creation of financial machinery in Ukraine to render assistance to the non-governmental organizations which were addressing the problems of children, for example through the training and upgrading of experts; it also welcomed the decision to hold a coordination conference in Ukraine for representatives of non-governmental organizations to address the problems of children.

29. Ukraine was interested in the project on the monitoring of the transition process in Central and Eastern Europe by the International Child Development Centre. The first report concerning that project had highlighted the gravity of the crisis. Ukraine also felt that the UNICEF programmes for improving the situation of children were very timely and important.

30. Ukraine welcomed the creation of an open-ended inter-sessional working group within the Commission on Human Rights to elaborate a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the basic measures required to eradicate those problems.

31. Mrs. DUTLI (International Committee of the Red Cross) said that representatives of the International Committee of the Red Cross (ICRC) were working in ever more complex theatres of operation created by the wars raging as the end of the century approached. Many conflicts, irrespective of where they occurred, were characterized by utter contempt for the most elementary rules of humanity and by the fact that the civilian population became a strategic objective for the warring parties. Children caught up in wars were their most pathetic victims. For several decades attention had been concentrated on the protection of children in time of war. The 1949 Geneva Conventions for the protection of the victims of international armed conflict and their two Additional Protocols of 1977 provided for the protection of children as members of the civilian population. Those instruments also contained 25 provisions that afforded children special protection tailored to their needs. Those rules were not always complied with, however, and war continued to claim innocent young victims.

32. UNICEF estimated that, in the previous 10 years, one and a half million children had been killed in armed conflicts, a figure which might be an underestimate. In addition, the ICRC surgical hospital in Peshawar had noted that, from 1990 to 1992, mine injuries among children had increased from 14 to 25 per cent. In times of armed conflict, lack of security and the breakdown of basic services drove civilians from their homes in large numbers. Of those who fled, children were the most vulnerable. Studies carried out among groups of refugees showed that the infant mortality rate was between 5 to 12 times higher than in their countries of origin. When children were separated from their families, or worse, were abandoned by them, their psycho-social behaviour underwent both immediate and lasting changes. Children born in time of war reached adolescence without knowing any situation other than one imposed by force of arms.

33. Those children, left to their own devices, became easy prey for those seeking to recruit them into the military or other armed groups, and by taking part in hostilities, endangered not only their own lives but also the lives of those in the sights of weapons wielded by such immature and reckless young people. Unfortunately, the number of children recruited voluntarily or involuntarily into ongoing conflicts was continually on the increase, despite the fact that humanitarian law prohibited their participation in armed conflict. The parties to an international armed conflict must refrain from recruiting into their armed forces persons less than 15 years of age in keeping with article 77, paragraph 2, of Protocol I, which also stipulated that in recruiting among persons who had reached the age of 15 but not the age of 18, priority should be given to those who were oldest. The rules were even stricter with respect to non-international armed conflict. Article 4, paragraph 3 (c), of Protocol II prohibited both the recruitment of children under 15 and their participation in

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hostilities. The principle of non-recruitment and non-participation was restated in article 38 of the United Nations Convention on the Rights of the Child. Despite those prohibitions, the reality was often quite different; children under 12 were often given arms and encouraged to commit major atrocities. ICRC therefore supported current efforts to bring about the adoption of an optional protocol to the United Nations Convention, to prohibit the recruitment into armed groups and involvement in hostilities of children under 18.

34. ICRC had recently launched a series of initiatives within the International Red Cross and Red Crescent Movement to counteract the disturbing phenomenon of child recruitment. In November 1991, the Movement's Council of Delegates had adopted in Budapest a resolution concerning "child soldiers", calling for a study on the matter. The study, which had been carried out under the auspices of the Henry Dunant Institute, had just been published under the title Child Soldiers. It was based upon the first-hand accounts collected in various armed conflicts and recommended specific measures that would provide effective protection for children. On the basis of that document, the Council of Delegates, meeting in Birmingham in October 1993, had adopted a resolution calling for the formulation and implementation of a plan of action for the Movement in that area. ICRC was hopeful that the measures proposed in the resolution would be taken into consideration in the study on the impact of armed conflict on children, launched by the United Nations pursuant to General Assembly resolution 48/157, for which ICRC was prepared to provide assistance. The experience of ICRC delegates had shown that only preventive measures could improve protection for children caught up in armed conflict and ensure that they did not take part in hostilities. At the same time, practical measures must be taken without delay in the areas of health, education and proper care for abandoned children. Humanitarian organizations could and should contribute to the realization of that goal, but the means at their disposal were limited - hence the need for collective action on the part of the international community as a whole.

35. Mr. Cissé (Senegal) took the Chair.

36. Mr. BACKSTRAND (International Federation of Red Cross and Red Crescent Societies) said that in addition to advocating human rights for children and protection of their welfare, it was essential to take action to rehabilitate young people engaged in hostilities in order to provide them with medical attention in case of injury, and enable them to be reintegrated into their community. Involvement in military actions and in atrocities of war had consequences for children which lasted many years, affecting even future generations. The children lost their childhood and were alienated from their families and peers. In Child Soldiers, published by the Henry Dunant Institute, it was stated that the military took the place of the family in providing children with a home, stability, loyalty, discipline, pride and respect, when the communities, owing to the conflicts of war, failed to provide social support systems.

37. The programmes most likely to be successful were those that strengthened or empowered the family, gave young people the opportunity for training and volunteerism, or afforded psychological support in creating an alternative awareness of power and provided an appropriate environment for the expression of individual experiences. Studies carried out prior to the preparation of Child Soldiers had revealed that children in the army were subjected to physical maltreatment and other kinds of abuse in the course of recruitment and training.

38. It was therefore important to study the psychological impact that war, as well as ill-treatment, had on child soldiers. It was imperative that programmes designed for them should be integrated into programmes or projects already in place or that new programmes should be introduced involving all the young people, to prevent the child soldiers from feeling stigmatized. Sometimes the families of child soldiers died in the war. In some cases, child soldiers encountered difficulties in reuniting with their families or rejoining their communities. Furthermore, their experiences were usually so different from those of other children that they had little in common with their peers. Occasionally, child soldiers visited on others the same acts of cruelty to which they had themselves been subjected. Families were often unable to respond appropriately to such behaviour and the youth ended up as social misfits, turning into street children and mercenaries. It was therefore imperative to help them to become reintegrated into the community and their families. The International Federation of Red Cross and Red Crescent Societies noted with particular interest that the study on the impact of armed conflicts on children would include recommendations on measures to promote the physical and psychological rehabilitation of those children and their reintegration into the community. For its part, the Federation would continue to pay particular attention to the plight of child soldiers in planning its future programmes and in providing social and psychological support to the most vulnerable victims of disaster or war.

The meeting rose at 4.35 p.m.