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COMMISSION ON HUMAN RIGHTS  
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RIGHTS OF THE CHILD

Austria, Belgium\*, Denmark, Finland\*, France, Germany, Greece\*,  
Ireland\*, Italy, Luxembourg\*, Netherlands, Portugal\*, Spain\*,  
Sweden\*, United Kingdom of Great Britain and Northern Ireland:  
draft resolution

1996/... The rights of the child  
The Commission on Human Rights,

Recalling its resolutions 1995/78 and 1995/79 of 8 March 1995 and  
General Assembly resolution 50/153 of 21 December 1995,

Recalling the Vienna Declaration and Programme of Action, in which the  
World Conference on Human Rights urged all States, with the support of  
international cooperation, to address the acute problem of children in  
especially difficult circumstances, and to combat actively the exploitation  
and abuse of children, including by addressing root causes,

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\* In accordance with rule 69, paragraph 3, of the rules of procedure of  
the functional commissions of the Economic and Social Council.

Recalling also the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children and the recommendations made at the World Summit for Social Development and in the Declaration and Platform for Action adopted by the Fourth World Conference on Women in Beijing in 1995, in particular those for the protection of the rights of the girl child,

Recalling further the adoption by the Commission of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, in its resolution 1992/74 of 5 March 1992, as well as the Programme of Action for the Elimination of the Exploitation of Child Labour, in its resolution 1993/79 of 10 March 1993,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, natural disasters, armed conflicts, economic and sexual exploitation, illiteracy, hunger, intolerance and disability, and convinced that urgent and effective national and international action, including preventive measures, is called for,

Encouraged by the widespread commitment and political will shown by the unprecedented number of States that have to date become signatories and parties to the Convention on the Rights of the Child and by its almost universal nature,

Seriously concerned about those reservations to the Convention on the Rights of the Child which are contrary to the object and purpose of the Convention or otherwise contrary to international treaty law, and recalling that the World Conference on Human Rights, in the Vienna Declaration and Programme of Action, urged States to withdraw such reservations,

Convinced that urgent national and international action is required to secure the implementation of the Convention on the Rights of the Child and of the recommendations of the Committee on the Rights of the Child,

Noting the plan of action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child,

Determined to safeguard children's right to life, and recognizing the duty and responsibility of Governments to investigate all cases of offences against children, including killing and violence, and to punish offenders,

Deeply worried by the continued practice of enlisting children in armed forces, in contravention of the Convention on the Rights of the Child, and convinced that children affected by armed conflicts require the special protection of the international community and that there is a need for all States to work towards the alleviation of their plight,

Noting with satisfaction that the XXVith International Conference of the Red Cross and Red Crescent in December 1995 recommended that parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

Emphasizing that States should avoid any action aimed at, or having the effect of, causing the separation of families in a manner contrary to international law and make their utmost efforts to facilitate reunification of families without delay,

Noting with distress that children are often among the main victims of weapons which strike long after conflicts have ended, especially anti-personnel mines,

Aware of the need to ensure the physical and psychological care, as well as the social reintegration, of children victims of any form of neglect, exploitation or abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment, or armed conflicts,

Deeply concerned at the persistence of the practices of and the existence of markets for the sale of children, child prostitution, child pornography and fraudulent adoption and the exploitation of child labour in many parts of the world, as well as at continuing reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution,

Recognizing that legislation per se is not enough to prevent violations of human rights and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and the administration of justice, and in social, educational and public health programmes,

Concerned at attitudes and traditional practices harmful to the health and well-being of the girl child, including female genital mutilation,

Having considered the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1996/100),

Taking note of the respective reports of the two open-ended working groups on a draft optional protocol to the Convention on the Rights of the

Child on involvement of children in armed conflicts (E/CN.4/1996/102) and on the question of a draft optional protocol to the Convention on the sale of children, child prostitution and child pornography (E/CN.4/1996/101),

Mindful of the important role of the United Nations and of the United Nations Children's Fund and its national committees in assisting Governments to promote the well-being of children and their development,

Underlining the importance of international cooperation in support of initiatives at the national level, and welcoming in particular the programmes of the International Labour Organization aimed at the elimination of child labour and the activities carried out within the framework of its International Programme on the Elimination of Child Labour,

Concerned at the exploitation of child labour and at the fact that it prevents a large number of children from an early age, especially in poverty-stricken areas, from receiving basic education and may unduly imperil their health and even their lives,

Alarmed, in particular, by the exploitation of child labour in its most extreme forms, including forced labour, bonded labour and other forms of slavery,

Encouraged by measures taken by Governments to eradicate the exploitation of child labour,

Deeply concerned about the growing number of street children worldwide and the squalid conditions in which these children are often forced to live, as well as the killing of and violence against these children,

Welcoming the efforts made by Governments to take effective action to address the question of street children,

I

The Convention on the Rights of the Child and its implementation

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1996/99);
2. Urges all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching universal adherence;
3. Reaffirms that all States have a duty to fulfil the obligations they have undertaken under the various international instruments, and in this regard recalls the responsibility of States parties to implement the Convention on the Rights of the Child;

4. Urges States parties to the Convention which have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with the aim of withdrawing them;

5. Calls upon States parties to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated for that purpose;

6. Requests the Secretary-General to ensure the provision of appropriate staff and facilities, from within existing financial resources, for the effective and expeditious performance of the functions of the Committee on the Rights of the Child, in the light of its increasingly heavy workload;

7. Requests bodies and organs of the United Nations, within the scope of their respective mandates, and invites intergovernmental and non-governmental organizations and the community at large to intensify their efforts to disseminate information on the Convention on the Rights of the Child, promote understanding of it and assist Governments in its implementation;

8. Emphasizes the importance of ensuring training on the rights of the child of those who are involved in actions concerning children, including teachers, the judiciary and law enforcement and immigration officials, and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations through the programme of advisory services in the field of human rights;

9. Recommends that, within their mandates, special rapporteurs, special representatives and working groups of the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities pay special attention to particular situations in which children are in danger, including the plight of street children, exploitation of child labour, children in armed conflicts and children who are victims of sale, child prostitution and child pornography, and that they take into account the work of the Committee on the Rights of the Child;

II

Protection of children affected by armed conflicts

10. Welcomes the progress made in the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

11. Requests the Secretary-General to transmit the report of the working group on a draft optional protocol to the Convention on the involvement of children in armed conflicts to Governments, relevant specialized agencies and intergovernmental and non-governmental organizations, the International Committee of the Red Cross, and the expert appointed by the Secretary-General to undertake a study on the impact of armed conflicts on children, and to invite their comments thereon in time for circulation prior to the next session of the working group;

12. Invites the Committee on the Rights of the Child to offer comments on the draft optional protocol to the Convention on the involvement of children in armed conflicts and to be represented at future sessions of the working group;

13. Requests the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts to meet for a period of two weeks, or less if possible, prior to the fifty-third session of the Commission to finalize the draft optional protocol;

14. Invites States to give particular attention to the situation of children threatened by and victims of anti-personnel land-mines;

15. Invites Member States and United Nations bodies, organs and agencies, including the Committee on the Rights of the Child, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the Office of the United Nations High Commissioner for Refugees, the World Health Organization, as well as the International Committee of the Red Cross and relevant intergovernmental and non-governmental organizations to contribute to the ongoing study by the expert appointed by the Secretary-General on the impact of armed conflicts on children, and decides to consider, at its fifty-third session, the final report to be submitted by the expert to the General Assembly at its fifty-first session;

16. Welcomes the financial contributions made to the Voluntary Trust Fund for Assistance in Mine Clearance, established by the Secretary-General to finance information and training programmes relating to mine clearance, and calls upon Member States to contribute further to it;

III

International measures for the prevention and eradication of the sale of children, child prostitution and child pornography

17. Welcomes the efforts of the Special Rapporteur to find effective ways to solve the problems of the sale of children, child prostitution and child pornography, notes her recommendations in this regard, and requests the Special Rapporteur, within the framework of her mandate, to continue to pay particular attention to these areas;

18. Requests the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance, from within existing resources, to make the full discharge of the mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-first session and a report to the Commission at its fifty-third session;

19. Appeals to all Governments to cooperate with and assist the Special Rapporteur, including by inviting her to undertake country visits and to furnish all information requested;

20. Invites the Special Rapporteur to continue to cooperate closely with other United Nations bodies competent in the field of human rights and dealing with questions covered by her mandate, as well as to convey her findings to the Commission on Human Rights, taking into account the recommendations of the Committee on the Rights of the Child;

21. Recognizes the importance of strengthening international cooperation, inter alia through the adoption of bilateral and multilateral measures or the use of the United Nations programme of advisory services in the field of human rights, as a means to assist Governments in preventing and combating situations of violations of the rights of the child, including the sale of children, child prostitution and child pornography, and to address the problem of street children;

22. Notes the work done by the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

23. Requests the Secretary-General to transmit the report of the working group on the question of a draft optional protocol to the Convention on the sale of children, child prostitution and child pornography to Governments, relevant specialized agencies and intergovernmental and non-governmental organizations, the Committee on the Rights of the Child and the Special Rapporteur;

24. Requests the working group on the question of a draft optional protocol to the Convention on the sale of children, child prostitution and child pornography to meet for a period of one week prior to the fifty-third session of the Commission to pursue its mandate;

25. Welcomes the convening of the World Congress against Commercial Sexual Exploitation of Children, to be held in Stockholm from 26 to 31 August 1996, and recommends that the Special Rapporteur participate in the Congress, within the framework of her mandate;

#### IV

#### Elimination of exploitation of child labour

26. Encourages Member States which have not yet done so to ratify the conventions of the International Labour Organization relating to the elimination of exploitation of child labour, in particular those concerning the minimum age for employment, the abolition of forced labour and the prohibition of particularly hazardous work for children, and to implement them;

27. Calls upon Governments to ensure the protection of children from economic exploitation, in particular protection from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, in accordance with the commitment made at the Fourth World Conference on Women in Beijing;

28. Urges Governments to take all necessary measures to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

29. Calls, in particular, upon Governments to take the necessary legislative and administrative measures to provide for a minimum age or minimum ages for admission to employment, appropriate regulation of the hours and conditions of employment and appropriate penalties or other sanctions to ensure the effective enforcement of these measures;

30. Invites Governments, in accordance with the commitments made at the World Summit for Social Development in March 1995, to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and ensuring the full enforcement of relevant existing laws and, where appropriate, enacting the legislation necessary to implement

the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

31. Encourages Member States to strengthen cooperation, including through the adoption of bilateral and multilateral measures or the use of the United Nations advisory services in the field of human rights, as well as through the International Programme on the Elimination of Child Labour of the International Labour Organization, and urges Governments to prevent or combat situations of violations of the rights of the child, including the exploitation of child labour;

32. Welcomes the decision of the Governing Body of the International Labour Organization, at its two hundred and sixty-fifth session, to develop new instruments to tackle the exploitation of child labour;

33. Recommends that the Committee on the Rights of the Child and other relevant treaty monitoring bodies give continued attention to this growing problem when examining reports of States parties;

V

The plight of street children

34. Expresses grave concern at the continued growth in the number of cases worldwide and at reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

35. Urges Governments to continue actively to seek comprehensive solutions to the problems of street children, to take measures to restore their full participation in society and to provide them with, inter alia, adequate nutrition, shelter, health care and education;

36. Strongly urges all Governments to guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against them;

37. Emphasizes that strict compliance with the provisions of the Convention on the Rights of the Child and other relevant human rights instruments constitutes a significant step towards solving the problems of street children;

38. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children, and encourages States parties to the Convention

on the Rights of the Child, in preparing their reports to the Committee on the

Rights of the Child, to bear this problem in mind and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

39. Recommends that the Committee on the Rights of the Child and other relevant treaty monitoring bodies give continued attention to this growing problem when examining reports of States parties;

VI

The girl child

40. Urges Governments to pay particular attention to abolishing all discriminatory practices against the girl child;

VII

41. Encourages the establishment of bodies and institutions, both governmental and non-governmental, to monitor, carry out or support activities in favour of children, guided by the principle of the best interests of the child as recognized by the Convention on the Rights of the Child;

42. Requests the Secretary-General to submit to the Commission at its fifty-third session a report on the status of the Convention on the Rights of the Child;

43. Decides to continue its consideration of the question, as a matter of priority, at its fifty-third session under the agenda item entitled "Rights of the child".

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