



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/1996/L.43/Rev.1  
23 April 1996

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS  
Fifty-second session  
Agenda item 20

RIGHTS OF THE CHILD

Andorra\*, Austria, Belgium\*, Bulgaria, Chile, Colombia, Croatia\*,  
Cuba, Czech Republic\*, Denmark, Dominican Republic, Estonia\*,  
Ethiopia, Finland\*, France, Germany, Greece\*, Guinea, Iceland\*,  
Ireland\*, Italy, Latvia\*, Liechtenstein\*, Lithuania\*, Luxembourg\*,  
Malta\*, Netherlands, Norway\*, Peru, Poland\*, Portugal\*, Republic  
of Korea, Romania\*, San Marino\*, Slovakia\*, South Africa\*, Spain\*,  
Sweden\*, Switzerland\*, Ukraine and the United Kingdom of Great Britain  
and Northern Ireland: revised draft resolution

1996/... 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 also 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 under  
especially difficult circumstances, and recalling further that the  
Vienna Declaration and Programme of Action stated that exploitation and abuse

---

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

of children should be actively combated, including by addressing their root causes, and that effective measures are required against female infanticide, harmful child labour, sale of children and organs, child prostitution, child pornography, as well as other forms of sexual abuse,

Recalling the recommendations of the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for implementing the Declaration adopted by the World Summit for Children, in 1990,

Recalling the recommendations made at the World Summit for Social Development and 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 also 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,

Noting the recent adoption by the Executive Board of the United Nations Children's Fund of a new Mission Statement,

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, displacement, economic and sexual exploitation, illiteracy, hunger, intolerance and disability, and convinced that urgent and effective national and international action, including preventative 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, while noting that the commitment to achieve universal ratification by 1995 has not been reached,

Convinced that urgent national and international action is required to ensure that States parties implement the Convention on the Rights of the Child and 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,

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,

Deeply worried by the continued practice of recruiting children in armed forces in contravention of the Convention on the Rights of the Child,

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,

Reiterating resolutions 2C and 2D of the XXVIth International Conference of the Red Cross and the Red Crescent, concerning children and family reunification,

Alarmed by the fact 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 promote the physical and psychological care and recovery, as well as the social reintegration, of children victims of any form of exploitation, abuse or neglect, torture or any other form of cruel, inhuman or degrading treatment or punishment, armed conflicts or displacements, in an environment which fosters the health, self-respect and dignity of children,

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 in many parts of the world, as well as at continuing reports of children being involved in and affected by serious crime, drug abuse, violence and prostitution, and, in this connection, aware of the particular vulnerability of street children to these phenomena,

Noting with concern the growing phenomenon of child sex tourism which can directly promote the sale of children for sexual exploitation as well as child prostitution and child pornography, and conscious of the need for appropriate measures to combat this phenomenon,

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,

Reaffirming the fundamental principle set forth in the Vienna Declaration and Programme of Action and in the Beijing Declaration and Platform for Action that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights,

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

Taking note of the respective reports of the two open-ended working groups for the elaboration of a draft optional protocol to the Convention on the involvement of children in armed conflicts (E/CN.4/1996/102) and the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (E/CN.4/1996/101),

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

Concerned at the exploitation of child labour and by 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,

Recognizing that progressive elimination of exploitative child labour can be brought about also by tackling poverty, one of the principal factors giving rise to child labour in developing countries,

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

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 once again 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 that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with a view to considering the withdrawal of those reservations which are contrary to article 51 of the Convention or otherwise contrary to international law;

5. Takes note with appreciation of the constructive role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

6. 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;

7. 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 and bearing in mind article 43 of the Convention on the Rights of the Child;

8. Notes with appreciation the efforts of the United Nations Children's Fund in providing support to the Committee on the Rights of the Child in accordance with article 45 of the Convention and in close collaboration with the Office of the High Commissioner for Human Rights/Centre for Human Rights;

9. Requests bodies and organs of the United Nations, including the United Nations Children's Fund, within the scope of their respective mandates, and encourages States parties, intergovernmental and non-governmental organizations, the media 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 States parties in its implementation;

10. 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 Office of the High Commissioner for Human Rights and the Centre for Human Rights through the programme of technical cooperation and advisory services in the field of human rights;

11. 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, refugee and internally displaced children, and children who are the victims of sale, child prostitution and child pornography or other forms of child abuse, 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

12. Notes 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;

13. 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, and invites the International Committee of the Red Cross to consider being represented at the next session of the Working Group;

14. 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 consider being represented at future sessions of the working group;

15. 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, with a view to finalizing the draft optional protocol;

16. Welcomes the report of the Secretary-General on the impact of armed conflict on children (E/CN.4/1996/110 and Add.1) and notes with appreciation the work of the Expert appointed by the Secretary-General, Ms. Graça Machel;

17. Invites Member States and United Nations bodies and organs, including the Committee on the Rights of the Child, the Centre for Human Rights, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, as well as the International Committee of the Red Cross and other relevant intergovernmental and non-governmental organizations, to contribute to the ongoing study on the impact of armed conflict on children;

18. Welcomes international efforts aimed at restricting and prohibiting the indiscriminate use of anti-personnel mines and calls upon Governments to contribute to demining activities, thereby reducing the number of child victims;

19. Also 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

20. Welcomes the report of the Special Rapporteur on the sale of children, child prostitution and child pornography and notes her recommendations (E/CN.4/1996/100);

21. 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;

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

23. Invites the Special Rapporteur to continue to cooperate closely with other relevant United Nations organs and bodies and to convey her findings to the Commission on Human Rights;

24. 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 violations of the rights of the child, including the sale of children, child prostitution and child pornography;

25. Notes the progress made in the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

26. 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 relevant Special Rapporteur and to invite their comments thereon in time for circulation prior to the next session of the working group;

27. Invites the Committee on the Rights of the Child to offer comments on the draft optional protocol to the Convention on the sale of children, child prostitution and child pornography and to consider being represented at future sessions of the working group;

28. 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 two weeks, or less if possible, prior to the fifty-third session of the Commission to pursue its mandate, with a view to finalizing the draft optional protocol;

29. Welcomes the convening of the World Congress against Commercial Sexual Exploitation of Children, to be held in Stockholm from 27 to 31 August 1996, and in this connection, recommends the participation of the Special Rapporteur, and the participation of the Chairman/Rapporteur of 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, within their mandates;

30. Encourages States to take measures aimed at eliminating sale of children, child prostitution and child pornography as well as related phenomena and to enhance bilateral and multilateral cooperation to effectively tackle trans-border problems associated with the sexual exploitation of children;

#### IV

##### Elimination of exploitation of child labour

31. Encourages Member States which have not yet done so to consider ratifying 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;

32. Calls upon Governments to take legislative, administrative, social and educational measures 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;

33. 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;

34. Encourages, in particular, Governments to take the necessary legislative, administrative, social and educational 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;

35. 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 their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

36. Encourages Member States to strengthen bilateral and multilateral cooperation, such as through the United Nations programme of advisory services in the field of human rights and the International Programme on the Elimination of Child Labour of the International Labour Organization, as a means to assist Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

37. Takes note of the recommendations made by the Committee on the Rights of the Child in the area of child labour and encourages the Committee, as well as other relevant human rights treaty bodies within their respective mandates to continue to monitor this growing problem when examining reports of States parties;

V

The plight of street children

38. Expresses grave concern at the growing incidence worldwide, and at reports of, street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

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

40. 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;

41. Emphasizes that strict compliance with obligations under relevant international human rights instruments, including the Convention on the Rights of the Child constitutes a significant step towards solving the problems of street children;

42. 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;

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

## VI

### The girl child

44. Urges all States to eliminate all forms of discrimination against the girl child and to eliminate the violation of the human rights of all children, paying particular attention to the obstacles faced by the girl child;

45. Encourages States to enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and to develop age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

## VII

### Refugee and internally displaced children

46. Urges Governments to pay particular attention to the situation of refugee and internally displaced children, by designing and implementing new policies for their care and well-being with the necessary international cooperation, in particular that of the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund;

VIII

47. Welcomes the increasingly active support given to child rights by regional and intergovernmental organizations and institutions;

48. 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;

49. 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;

50. 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".

-----