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Promotion and protection of the rights of children

Report of the Third Committee

Rapporteur: Mr. Juraj Priputen (Slovakia)

I. Introduction

1. At its 3rd plenary meeting, on 19 September 2001, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-sixth session the item entitled “Promotion and protection of the rights of children” and to allocate it to the Third Committee.

2. The Third Committee held a substantive debate on the item at its 18th to 24th, 32nd, 45th and 47th meetings, from 22 to 24, and on 26 and 29 October and 7, 20 and 21 November 2001. An account of the Committee’s discussion is contained in the relevant summary records (A/C.3/56/SR.18-24, 32, 45 and 47).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the status of the Convention on the Rights of the Child (A/56/203);

(b) Report of the Secretary-General on children and armed conflict (A/56/342-S/2001/852);

(c) Note by the Secretary-General transmitting the report of the Special Representative of the Secretary-General for Children and Armed Conflict on the protection of children affected by armed conflict (A/56/453);

(d) Note by the Secretary-General on the promotion and protection of the rights of children (A/56/488);

(e) Letter dated 24 July 2001 from the Chargé d’affaires a.i. of the Permanent Mission of Italy to the United Nations addressed to the Secretary-General, transmitting the communiqué and the Genoa Plan for Africa, adopted at the



Summit of Heads of State and Government of the Group of Eight, held at Genoa, Italy, from 20 to 22 July 2001 (A/56/222-S/2001/736).

4. At the 18th meeting, on 22 October, the Director of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Deputy Executive Director of the United Nations Children's Fund and the Director of the New York Office of the United Nations High Commissioner for Human Rights made introductory statements (see A/C.3/56/SR.18).

5. At the same meeting, the Committee engaged in a dialogue with the above-mentioned speakers, in which the representatives of Pakistan, Guinea, the Syrian Arab Republic, Belgium (on behalf of the States Members of the United Nations that are members of the European Union), the Sudan, Australia and Cuba, as well as the observer for Palestine, took part (see A/C.3/56/SR.18).

6. At the 23rd meeting, on 29 October, the Under-Secretary-General, Special Representative of the Secretary-General for Children and Armed Conflict, made a statement (see A/C.3/56/SR.23).

7. At the same meeting, the Committee engaged in a dialogue with the Under-Secretary-General, in which the representatives of Liechtenstein, the Libyan Arab Jamahiriya, India, Belgium (on behalf of the States Members of the United Nations that are members of the European Union), the Syrian Arab Republic, the Sudan, Benin, Uganda and Israel, as well as the observer for Palestine, took part (see A/C.3/56/SR.23).

II. Consideration of proposals

A. Draft resolution A/C.3/56/L.28/Rev.1

8. At the 45th meeting, on 20 November, the representative of Belgium, on behalf of Andorra, Argentina, Australia, Austria, Bangladesh, Belgium, Belize, Bolivia, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Marshall Islands, Mexico, Monaco, Morocco, Namibia, the Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Saint Vincent and the Grenadines, San Marino, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, introduced a draft resolution entitled "The rights of the child" (A/C.3/56/L.28/Rev.1). Subsequently, Afghanistan, Antigua and Barbuda, Armenia, Belarus, Bhutan, Botswana, Burkina Faso, Cambodia, Cameroon, Cape Verde, China, Cote d'Ivoire, Egypt, Ethiopia, Fiji, the Gambia, Georgia, Ghana, Guinea, Guyana, India, Indonesia, Kazakhstan, Kenya, Lesotho, Madagascar, Malawi, Mali, Mongolia, Mozambique, Nepal, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Saint Lucia, Sierra Leone, Somalia, Sri Lanka, the Sudan, Swaziland, Togo, Tunisia, Turkey, Uganda, Zambia and Zimbabwe joined in sponsoring the draft resolution.

9. In introducing the draft resolution, the representative of Belgium orally revised the text as follows:

(a) In operative paragraph 2, the words “as at 29 October 2001, seven States had become parties to the Optional Protocol” were replaced by the words “as at 12 November 2001, ten States had become parties to the Optional Protocol” and, at the end of the paragraph, the words “thereby allowing it to enter into force on 12 February 2002” were added;

(b) In operative paragraph 4, the words “and the regional consultative meetings for its preparation” were inserted after the words “from 17 to 20 December 2001”, and the words “in the Congress” were inserted after the words “ensure their participation”;

(c) In operative paragraph 5 (c), the words “as set out in Commission on Human Rights resolution 2001/75” were replaced by the words “taking into account the outcome of the special session of the General Assembly on children, and to put forward recommendations for consideration by Member States for appropriate action, including effective remedies and preventive and rehabilitative measures”.

10. At its 47th meeting, on 21 November, the Committee adopted draft resolution A/C.3/56/L.28/Rev.1, as orally revised, without a vote (see para. 16, draft resolution I).

11. After the adoption of the draft resolution, the representative of Singapore made a statement (see A/C.3/56/SR.47).

B. Draft resolution A/C.3/56/L.29

12. At the 32nd meeting, on 7 November, the representative of Namibia, on behalf of Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Cameroon, Canada, Chile, China, Cote d'Ivoire, Croatia, Cuba, Cyprus, the Democratic Republic of the Congo, Denmark, Ethiopia, Ecuador, Finland, the Gambia, Germany, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kenya, Latvia, Lesotho, Luxembourg, Malawi, Malta, Mauritius, Monaco, Mozambique, Namibia, Nepal, the Netherlands, New Zealand, the Niger, Nigeria, Norway, Poland, Portugal, the Republic of Moldova, Romania, San Marino, Senegal, Singapore, Slovenia, South Africa, Spain, Suriname, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Uruguay, Venezuela, Zambia and Zimbabwe, introduced a draft resolution entitled “The girl child” (A/C.3/56/L.29). Subsequently, Afghanistan, Algeria, Armenia, Azerbaijan, Belarus, Bhutan, Bulgaria, Burkina Faso, Cambodia, Cape Verde, Colombia, Costa Rica, El Salvador, Eritrea, Fiji, France, Ghana, Greece, Guatemala, Guinea, Guyana, Indonesia, Israel, Liechtenstein, Madagascar, Malaysia, Mongolia, Nicaragua, Panama, Paraguay, Peru, the Philippines, the Republic of Korea, Somalia, Tunisia and Togo joined in sponsoring the draft resolution.

13. At its 47th meeting, on 21 November, the Committee adopted operative paragraph 1 of the draft resolution by a recorded vote of 148 to 2.¹ The voting was as follows:

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Democratic People's Republic of Korea, United States of America.

Abstaining:

None.

14. The Committee then adopted draft resolution A/C.3/56/L.29, as a whole, without a vote (see para. 16, draft resolution II).

15. After the adoption of the draft resolution, a statement was made by the representative of the United States of America (see A/C.3/56/SR.47).

III. Recommendations of the Third Committee

16. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

¹ The representatives of Benin and the Democratic Republic of the Congo subsequently indicated that, had they been present, their delegations would have voted in favour of the draft resolution and the representative of the Democratic People's Republic of Korea indicated that his delegation had intended to vote in favour.

Draft resolution I

The rights of the child

The General Assembly,

Reaffirming all of its previous resolutions on the rights of the child,² in particular its resolutions 55/78 and 55/79 of 4 December 2000, and taking note with appreciation of Commission on Human Rights resolution 2001/75 of 25 April 2001,³

Considering the postponement of the special session of the General Assembly on children due to exceptional circumstances,

Welcoming the progress made so far in the preparation of the special session of the General Assembly on children, including its outcome document, and reaffirming that the Assembly, at its special session, while reviewing the achievements in the implementation and results of the World Declaration on the Survival, Protection and Development of Children and Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,⁴ will make a renewed commitment and consider future action for children in the forthcoming decade,

1. *Takes note with appreciation* of the report of the Secretary-General entitled "We the children: end-decade review of the follow-up to the World Summit for Children"⁵ and the reports of the Secretary-General on the status of the Convention on the Rights of the Child⁶ and on children and armed conflict,⁷ as well as the report of the Special Representative of the Secretary-General for Children and Armed Conflict;⁸

2. *Welcomes* the fact that, as at 18 October 2001, ten States had become parties to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,⁹ thereby allowing it to enter into force on 18 January 2002, and that, as at 12 November 2001, ten States had become parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;¹⁰ thereby allowing it to enter into force on 12 February 2002;

3. *Welcomes also* the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,¹¹ as well as the large number of ratifications of International Labour Organization Convention No. 138 concerning the Minimum Age for Admission to Employment and Convention

² Resolutions 50/153, 51/77, 52/107, 53/128 and 54/149.

³ See *Official Records of the Economic and Social Council, 2001, Supplement No. 3 (E/2001/23)*, chap. II, sect. A.

⁴ A/45/625, annex.

⁵ A/S-27/3.

⁶ A/56/203.

⁷ A/56/342-S/2001/852.

⁸ A/56/453.

⁹ Resolution 54/263, annex II.

¹⁰ *Ibid.*, annex I.

¹¹ Resolution 55/25, annex II.

No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

4. *Welcomes* the convening of the Second World Congress against Commercial Sexual Exploitation of Children at Yokohama, Japan, from 17 to 20 December 2001, and the regional consultative meetings for its preparation, and invites Member States and observers to ensure their participation in the Congress at a high political level;

5. *Decides*:

(a) To request the Secretary-General to submit to the General Assembly at its fifty-seventh session a report on the rights of the child, containing information on the status of the Convention on the Rights of the Child and the Optional Protocols thereto;

(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to submit to the General Assembly and the Commission on Human Rights reports containing relevant information on the situation of children affected by armed conflict, bearing in mind the existing mandates and reports of relevant bodies;

(c) To request the Secretary-General to conduct an in-depth study on the question of violence against children, taking into account the outcome of the special session of the General Assembly on children, and to put forward recommendations for consideration by Member States for appropriate action, including effective remedies and preventive and rehabilitative measures;

(d) To revert to its comprehensive consideration of this question at its fifty-seventh session under the item entitled "Promotion and protection of the rights of children".

Draft resolution II

The girl child

The General Assembly,

Recalling its resolution 55/78 of 4 December 2000 and all previous relevant resolutions, including the agreed conclusions of the Commission on the Status of Women, in particular those relevant to the girl child,

Recalling also all relevant United Nations conferences and the Declaration and Agenda for Action adopted by the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996,¹² as well as the outcome documents of the recent five-year reviews of the implementation of the Programme of Action of the International Conference on Population and Development¹³ and the Programme of Action of the World Summit for Social Development,¹⁴

Deeply concerned about discrimination against the girl child and the violation of the rights of the girl child, which often result in less access for girls to education,

¹² A/51/385, annex.

¹³ Resolution S-21/2, annex.

¹⁴ Resolution S-24/2, annex.

nutrition, physical and mental health care and in girls enjoying fewer of the rights, opportunities and benefits of childhood and adolescence than boys and often being subjected to various forms of cultural, social, sexual and economic exploitation and to violence and harmful practices, such as female infanticide, incest, early marriage, prenatal sex selection and female genital mutilation,

Recognizing the need to achieve gender equality so as to ensure a just and equitable world for girls,

Deeply concerned that, in situations of poverty, war and armed conflict, girl children are among the victims most affected and that thus their potential for full development is limited,

Concerned that the girl child has furthermore become a victim of sexually transmitted diseases and the human immunodeficiency virus, which affects the quality of her life and leaves her open to further discrimination,

Reaffirming the equal rights of women and men as enshrined, inter alia, in the Preamble to the Charter of the United Nations, the Convention on the Elimination of All Forms of Discrimination against Women¹⁵ and the Convention on the Rights of the Child,¹⁶

Reaffirming also the political declaration¹⁷ and further actions and initiatives to implement the Beijing Declaration and Platform for Action,¹⁸ adopted by the General Assembly at its twenty-third special session, entitled “Women 2000: gender equality, development and peace for the twenty-first century”,

Reaffirming further the Dakar Framework for Action adopted at the World Education Forum,¹⁹

Reaffirming the Declaration of Commitment on HIV/AIDS,²⁰ adopted by the General Assembly at its twenty-sixth special session,

1. *Stresses* the need for full and urgent implementation of the rights of the girl child as guaranteed to her under all human rights instruments, including the Convention on the Rights of the Child¹⁶ and the Convention on the Elimination of All Forms of Discrimination against Women,¹⁵ as well as the need for universal ratification of those instruments;

2. *Urges* States to consider signing, ratifying or acceding to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;²¹

3. *Welcomes* the adoption of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict²² and on

¹⁵ Resolution 34/180, annex.

¹⁶ Resolution 44/25, annex.

¹⁷ Resolution S-23/2, annex.

¹⁸ Resolution S-23/3, annex.

¹⁹ See *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000*, United Nations Educational, Scientific and Cultural Organization, Paris, 2000.

²⁰ Resolution S-26/2, annex.

²¹ Resolution 54/4, annex.

²² Resolution 54/263, annex I.

the sale of children, child prostitution and child pornography,²³ and invites States to consider signing and ratifying the Optional Protocols as a matter of priority with a view to their entry into force as soon as possible;

4. *Also welcomes* the United Nations Girls' Education Initiative launched by the Secretary-General at the World Education Forum;

5. *Urges* all Governments and the United Nations system to strengthen efforts bilaterally and with international organizations and private sector donors in order to achieve the goals of the World Education Forum, in particular that of eliminating gender disparities in primary and secondary education by 2005, and for the implementation of the United Nations Girls' Education Initiative as a means of reaching this goal, and reaffirms the commitment contained in the United Nations Millennium Declaration;²⁴

6. *Calls upon* all States to take measures to address the obstacles that continue to affect the achievement of the goals set forth in the Beijing Platform for Action,²⁵ as contained in paragraph 33 of the further actions and initiatives to implement the Beijing Declaration and Platform for Action,¹⁸ where appropriate, including the strengthening of national mechanisms to implement policies and programmes for the girl child and, in some cases, to enhance coordination among responsible institutions for the realization of the human rights of girls, as indicated in the further actions and initiatives;

7. *Urges* all States to take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedoms, to take effective action against violations of those rights and freedoms and to base programmes and policies for the girl child on the rights of the child;

8. *Urges* States to enact and enforce strictly laws to ensure that marriage is entered into only with the free and full consent of the intending spouses, to enact and enforce strictly laws concerning the minimum legal age of consent and the minimum age for marriage and to raise the minimum age for marriage where necessary;

9. *Urges* all States to fulfil their obligations under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the commitment to implement the Beijing Platform for Action;

10. *Also urges* all States to enact and enforce legislation to protect girls from all forms of violence, including female infanticide and prenatal sex selection, female genital mutilation, rape, domestic violence, 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;

11. *Calls upon* all States and international and non-governmental organizations, individually and collectively, to implement further the Beijing

²³ Ibid., annex II.

²⁴ See resolution 55/2.

²⁵ *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

Platform for Action, in particular the strategic objectives relating to the girl child and including the further actions and initiatives to implement the Beijing Declaration and Platform for Action;

12. *Urges* States to take special measures for the protection of war-affected girls and in particular to protect them from sexually transmitted diseases, such as human immunodeficiency virus/acquired immunodeficiency syndrome, and gender-based violence, including rape and sexual abuse, torture, sexual exploitation, abduction and forced labour, paying special attention to refugee and displaced girls, and to take into account the special needs of the war-affected girl child in the delivery of humanitarian assistance and disarmament, demobilization and reintegration processes;

13. *Urges* all States and the international community to respect, protect and promote the rights of the child, taking into account the particular vulnerabilities of the girl child in pre-conflict, conflict and post-conflict situations, and calls for special initiatives designed to address all of the rights and needs of war-affected girls;

14. *Welcomes* the holding of the International Conference on War-Affected Children at Winnipeg, Canada, from 10 to 17 September 2000, and takes note with appreciation of the Winnipeg Agenda for War-Affected Children;²⁶

15. *Urges* States to formulate comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to eliminate all forms of violence against women and girls, which should be widely disseminated and should provide targets and timetables for implementation, as well as effective domestic enforcement procedures through the establishment of monitoring mechanisms involving all parties concerned, including consultations with women's organizations, giving attention to the recommendations relating to the girl child of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences;

16. *Calls upon* Governments, civil society, including the media, and non-governmental organizations to promote human rights education and the full respect for and enjoyment of the human rights of the girl child, inter alia, through the translation, production and dissemination of age-appropriate information material on those rights to all sectors of society, in particular to children;

17. *Requests* the Secretary-General, as Chairman of the Administrative Committee on Coordination, to ensure that all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the United Nations Population Fund, the United Nations Development Fund for Women, the World Health Organization, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees, take into account the rights and the particular needs of the girl child in the country programme of cooperation in accordance with the national priorities, including through the United Nations Development Assistance Framework;²⁷

²⁶ A/55/467-S/2000/973, annex.

²⁷ See A/53/226, paras. 72-77, and A/53/226/Add.1, paras. 88-98.

18. *Requests* all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights to adopt regularly and systematically a gender perspective in the implementation of their mandates and to include in their reports information on the qualitative analysis of violations of the human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;

19. *Calls upon* States and international and non-governmental organizations to mobilize all necessary resources, support and efforts to realize the goals, strategic objectives and actions set out in the Beijing Platform for Action and the further actions and initiatives to implement the Beijing Declaration and Platform for Action;

20. *Stresses* the importance of a substantive assessment of the implementation of the Beijing Platform for Action with a life-cycle perspective so as to identify gaps and obstacles in the implementation process and to develop further actions for the achievement of the goals of the Platform;

21. *Welcomes* the convening of the Second World Congress against Commercial Sexual Exploitation of Children at Yokohama, Japan, from 17 to 20 December 2001, and the regional consultative meetings for its preparation, which aim to review the progress made in implementing the Declaration and Agenda for Action adopted by the first World Congress, held at Stockholm from 27 to 31 August 1996,¹² and to strengthen actions to eradicate sexual commercial exploitation of children, and invites Member States and observers to ensure their representation at the Second World Congress at a high political level;

22. *Encourages* the regional commissions and other regional organizations to carry out activities in support of the preparations for the Second World Congress;

23. *Stresses* the importance of integrating a gender perspective and the needs and rights of the girl child into the work of the special session of the General Assembly on children.
