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**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE  
FIFTY-NINTH SESSION OF THE COMMISSION**

**Draft report of the Commission**

**Rapporteur: Mr. Branko SOCANAC (Croatia)**

**CONTENTS\***

<i>Chapter</i>	<i>Page</i>
<b>II. Resolutions and decisions adopted by the Commission at its fifty-ninth session .....</b>	
<i>A. Resolutions</i>	
2003/83. The right to development	
2003/84. Situation of human rights in Iraq	

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\* Documents E/CN.4/2003/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/2003/L.11 and addenda.

**CONTENTS (*continued*)**

<i>Chapter</i>	<i>Page</i>
II. A. <i>Resolutions (continued)</i>	
2003/85. Abduction of children in Africa	
2003/86. Rights of the child	
B. <i>Decisions</i>	
2003/112. The prevention of human rights violations caused by the availability and misuse of small arms and light weapons	
2003/113. Enhancement of the functioning of the Office of the United Nations High Commissioner for Human Rights in regard to the operation of the mechanism of the Commission on Human Rights	
2003/114. Organization of work of the sixtieth session of the Commission on Human Rights	
2003/115. Dates of the sixtieth session of the Commission on Human Rights	
2003/116. Intersessional activities of the Bureau	

### **2003/83. The right to development**

*The Commission on Human Rights,*

*Recalling* the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, which confirmed the right to development as an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and the individual as the central subject and beneficiary of development,

*Recalling also* all its previous resolutions on the right to development, in particular resolution 1998/72 of 22 April 1998 in which it referred to the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

*Reaffirming* the agreed conclusions of the Working Group on the Right to Development at its third session (E/CN.4/2002/28/Rev.1, chap. VIII) and the need for their follow-up and effective implementation,

*Recognizing* that the Working Group on the Right to Development is the only global forum on the right to development mandated to monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration on the Right to Development at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration,

*Noting with appreciation* the report of the United Nations High Commissioner for Human Rights on the importance and application of the principle of equity at both the national and international levels (E/CN.4/2003/25), which makes a contribution to the deliberations of the Commission and of the Working Group,

*Noting* the approach adopted by the High Commissioner for Human Rights in his report to the Working Group (E/CN.4/2003/7), which develops appropriate linkages between the substantive outcomes of the major United Nations summits and conferences in the economic and social fields,

*Recognizing* the valuable contribution made by the independent expert on the right to development through his fifth report to the Working Group (E/CN.4/2002/WG.18/6) and the preliminary study on the impact of international economic, financial and trading issues on the enjoyment of human rights (E/CN.4/2003/WG.18/2),

*Regretting* that the Working Group on the Right to Development at its fourth session could not reach a conclusion, in particular on the implementation of the agreed conclusions of the third session of the Working Group, while aware of the views and observations of the Chairperson-Rapporteur,

1. *Recognizes* the importance of maintaining political will and commitment on the part of all members of the Working Group on the Right to Development for the realization of its mandate;

2. *Requests* the Sub-Commission on the Promotion and Protection of Human Rights to prepare a concept document establishing options for the implementation of the right to development and their feasibility, inter alia an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development, including issues which any such instrument might address, for submission to the Commission at its sixty-first session for its consideration and determination of the feasibility of those options;

3. *Also requests* the Sub-Commission in this respect to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields as well as the agreed conclusions and the report of the third session of the Working Group on the Right to Development (E/CN.4/2002/28/Rev.1);

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to assist the Sub-Commission in its work on the preparation of the concept document by providing studies on existing bilateral and multilateral programmes and policies, with a view to identifying lessons learnt, best practices and the role that could be played by relevant actors, including national human rights institutions, in the creation and implementation of the development partnership;

5. *Requests* the United Nations High Commissioner for Human Rights to convene a two-day high-level seminar immediately prior to the next session of the Working Group and within its 10 working days, inviting all the relevant actors from the human rights, trade, financial and development fields to review and identify effective strategies for mainstreaming the right to

development in the policies and operational activities of the major international organizations/institutions, and as a contribution to the Sub-Commission's work on the proposed concept document;

6. *Takes note* of the latest reports of the independent expert and requests him to collaborate actively with the Sub-Commission in preparing the proposed concept document;

7. *Requests* the independent expert, in consultation with all relevant United Nations agencies and Bretton Woods institutions, to deepen his study on the elements contained in his preliminary study on the impact of international economic and financial issues on the enjoyment of the right to development, including by analysing the existing efforts and means of assessing and evaluating such an impact, focusing in particular on the question and impact of the transfer of technology, and to submit a report to the Working Group on the Right to Development at its next session;

8. *Requests* the Office of the High Commissioner for Human Rights to provide all necessary administrative support and financial and human resources to the Sub-Commission and the independent expert in their work on the proposed concept document;

9. *Decides* to renew the mandate of the Working Group for one year and to convene its fifth session before the sixtieth session of the Commission, for a period of 10 working days, to consider the outcome of the seminar and further initiatives in accordance with its mandate;

10. *Decides* to review the progress in the implementation of the present resolution as a matter of priority at its sixtieth session;

11. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/83 of 25 April 2003, decides to endorse the decision of the Commission to renew the mandate of the Working Group on the Right to Development for one year and to convene its fifth session before the sixtieth session of the Commission for a period of 10 working days.”

63rd meeting  
25 April 2003

[Adopted by a recorded vote of 47 votes to 3,  
with 12 abstentions. See chap. VII.]

#### **2003/84. Situation of human rights in Iraq**

*The Commission on Human Rights,*

*Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,*

*Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,*

*Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments,*

*Mindful also that all the parties to the current conflict in Iraq are parties to the Geneva Conventions of 12 August 1949 for the protection of victims of war,*

*Noting the adoption on 28 March 2003 by the United Nations Security Council of its resolution 1472 (2003),*

*Noting the central role of the United Nations system and its unique capacity and practical experience in coordinating assistance in conflict and post-conflict situations, inter alia with regard to the protection of and respect for human rights,*

*Recalling previous resolutions of the General Assembly and the Commission on the subject, most recently Assembly resolution 57/232 of 18 December 2002 and Commission resolution 2002/15 of 19 April 2002, as well as Security Council resolution 686 (1991) of 2 March 1991, in which the Council demanded that Iraq release all Kuwaiti and third-State nationals detained by Iraq,*

1. *Reiterates its strong condemnation of the systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq over many years, which have resulted in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;*

2. *Requests all parties to the current conflict in Iraq to abide strictly by their obligations under international humanitarian law, in particular the Geneva Conventions and the Hague Regulations including those relating to the essential civilian needs of the people of Iraq;*

3. *Calls upon the international community, including all parties to the current conflict, to address as a matter of urgency the major humanitarian needs of the people of Iraq;*

4. *Calls upon* the international community to assist in the development of free and democratic institutions in Iraq that respect and ensure the rights of individuals, irrespective of their origin, ethnicity, gender or religion, in accordance with the international human rights treaties;

5. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/2003/40);

6. *Decides*:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year and requests the Special Rapporteur to submit an interim report on the situation of human rights in Iraq, focusing on newly available information about violations of human rights and international law by the Government of Iraq over many years, to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(c) To continue its consideration of the situation of human rights in Iraq at its sixtieth session under the same agenda item;

7. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/84 of 25 April 2003 endorses the decision of the Commission to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq, focusing on newly available information about violations of human rights and international law by the Government of Iraq over many years, to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session.”

*63rd meeting  
25 April 2003*

[Adopted by a recorded vote of 31 votes to 3,  
with 12 abstentions. See chap. IX.]

### **2003/85. Abduction of children in Africa**

*The Commission on Human Rights,*

*Recalling* the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the African Charter on Human and People's Rights and the African Charter on the Rights and Welfare of the Child,

*Recalling also* the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,

*Reaffirming* the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993 (A/CONF.157/23) and the United Nations Millennium Declaration, as well as the special session of the General Assembly on children, which inter alia called for the protection of children, particularly those under difficult circumstances,

*Recalling also* the obligation to respect and strictly observe international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of victims of war, the additional Protocols thereto of 1977 and other applicable instruments of international law,

*Recalling* Security Council resolutions 1379 (2001) of 20 November 2001 and 1460 (2003) of 30 January 2003 (2003) on children in armed conflict,

*Bearing in mind* the resolutions of the Commission on Human Rights relevant to the rights of the child,

*Welcoming* the appointment by the United Nations Secretary-General of the independent expert for the study on violence against children,

*Welcoming also* the report of the Special Representative of the Secretary-General for Children and Armed Conflict (E/CN.4/2003/77),

*Expressing its appreciation* to those African countries which have established national mechanisms to ensure greater protection of children, including measures to combat and eliminate abduction of children,

*Deeply alarmed* at the spread of the practice of abduction of children during armed conflicts in many African countries,

1. *Condemns in the strongest terms* the abduction and recruitment of children for armed conflicts;



2. *Also condemns* the abduction of children from refugee camps by armed groups, as distinct from the armed forces of States, and their subjection of children to forced conscription, torture, killing and rape;
3. *Demands* the immediate demobilization and disarmament of all child soldiers, including abducted children forcibly conscripted into armed groups;
4. *Calls* for the immediate and unconditional release and safe return of all abducted children to their families and communities;
5. *Calls upon* African States:
  - (a) To pay particular attention to the protection of refugee children, especially unaccompanied refugee minors, and internally displaced children who are exposed to the risk of being abducted or becoming involved in armed conflicts;
  - (b) To take extra measures to protect refugee children, particularly girls, from being abducted by guerrilla groups;
  - (c) To increase and enhance cooperation at regional and international levels to combat networks of abduction and child trafficking and to suppress their activities;
  - (d) To take adequate measures to prevent the abduction and recruitment of children by armed groups, as distinct from armed forces of States, through, inter alia, the adoption of legal measures to prohibit and criminalize such practices;
6. *Encourages* all African States to integrate the rights of the child into all peace processes, peace agreements and post-conflict recovery and reconstruction phases;
7. *Urges* all African States that have not yet done so to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
8. *Welcomes* the progress achieved in the eradication of abduction of children by some national mechanisms and encourages other States which have not yet done so to consider establishing such mechanisms;
9. *Requests* African States, in cooperation with the relevant United Nations agencies, to provide the victims and their families with the necessary assistance and to support sustainable rehabilitation and reintegration programmes for abducted children, including the provision of psychological assistance, basic education and vocational training, taking into account the special needs of abducted girl children;

10. *Calls upon* the donor community to provide generous financial assistance to national mechanisms, where they exist, established in some African countries with a view to complementing their national efforts in combating abduction of children;

11. *Decides* to continue its consideration of this question at its sixtieth session under the same agenda item.

*63rd meeting  
25 April 2003*

[Adopted without a vote. See chap. XIII.]

### **2003/86. Rights of the child**

*The Commission on Human Rights,*

*Emphasizing* the importance of the Convention on the Rights of the Child and that its provisions and other relevant human rights instruments must constitute the standard in the promotion and protection of the rights of the child, and reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

*Bearing in mind* the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,

*Reaffirming* the World Declaration on the Survival, Protection and Development of the Child and the Plan of Action for the Implementation of the World Declaration on the Survival, Protection and Development of the Child in the 1990s adopted in September 1990 by the World Summit for Children (A/45/625, annex), the United Nations Millennium Declaration and the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which, inter alia, state that national and international mechanisms and programmes for the safeguard and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children, female infanticide, harmful child labour and the immediate elimination of its worst forms, sale of children and organs, child prostitution and child pornography, as well as other forms of sexual abuse,

*Reaffirming also* the outcome document of the special session of the General Assembly on children entitled “A world fit for children” adopted on 10 May 2002 (resolution S-27/2, annex) and the firm commitments contained therein to promote and protect the rights of each child - every human being below the age of 18 years,

*Recalling* all its previous resolutions relating to the rights of the child, particularly resolutions 2000/85 of 27 April 2000, 2001/75 of 25 April 2001 and 2002/92 of 26 April 2002, and taking note of General Assembly resolution 57/190 of 18 December 2002,

*Welcoming* the integration of child rights issues into the outcome documents of all major United Nations conferences, special sessions and summits,

*Welcoming also* the work of the Committee on the Rights of the Child in examining the progress made by States parties in implementing the obligations undertaken in the Convention on the Rights of the Child and in providing recommendations to States parties on its implementation and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in enhancing awareness of the principles and provisions of the Convention, and taking note of the conclusions of the general discussions on the private sector as service provider and its role in implementing child rights held in September 2002 (CRC/C/121, para. 653),

*Welcoming further* the entry into force of the amendment to article 43, paragraph 2, of the Convention allowing for the increase of the membership of the Committee on the Rights of the Child from 10 to 18 and hoping that this change will allow the Committee to deal efficiently with the new challenges in monitoring the two Optional Protocols to the Convention, and hoping also that the Committee will reduce its backlog,

*Welcoming* the appointment by the Secretary-General of the independent expert for the United Nations study on violence against children,

*Profoundly concerned* that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, social inequality, inadequate social and economic conditions in an increasingly globalized economic environment, pandemics, in particular HIV/AIDS, malaria, tuberculosis, natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

*Recognizing* that environmental damage has potentially negative effects on children and their enjoyment of their life, health and a satisfactory standard of living,

*Underlining* the need for mainstreaming a gender perspective in all policies and programmes relating to children,

*Concerned* that, in conflict situations, children continue to be victims and deliberate targets of attacks with consequences that are often irreversible for their physical and emotional integrity,

*Welcoming* the reports of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/2003/79 and Add.1-2), of the Special Rapporteur on the right to education (E/CN.4/2003/9 and Add.1-2), of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2003/79 and Add.1-2), of the Special Representative of the Secretary-General for Children and Armed Conflict to the General Assembly at its fifty-seventh session (A/57/402) and to the Commission at its fifty-ninth session (E/CN.4/2003/77) and the report of the Secretary-General on children and armed conflict (S/2002/1299),

*Concerned* at the number of illegal adoptions, of children growing up without parents and of child victims of different forms of violence, abuse, exploitation and neglect within and outside the family,

*Recognizing* that the family is the basic unit of society and as such should be strengthened; that it is entitled to receive comprehensive protection and support; that the primary responsibility for the protection, upbringing and development of children rests with the family; that all institutions of society should respect children's rights and secure their well-being and render appropriate assistance to parents, families, legal guardians and other caregivers so that children can grow and develop in a safe and stable environment and in an atmosphere of happiness, love and understanding, bearing in mind that in different cultural, social and political systems, various forms of family exist,

*Recognizing also* that partnership between Governments, international organizations and relevant bodies and organizations of the United Nations system, in particular the United Nations Children's Fund, and all actors of civil society, in particular non-governmental organizations, as well as the private sector, is important to realize the rights of the child,

*Bearing in mind* the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010 and recalling the Declaration and Programme of Action on a Culture of Peace, which serve as the basis for the International Decade,

*Reaffirming* the interrelatedness of all human rights and the necessity of taking into account the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights, including the right to development, to promote and protect the rights of the child,

#### I. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD AND OTHER INSTRUMENTS

1. *Urges once again* the States that have not yet done so to consider signing and ratifying or acceding to the Convention on the Rights of the Child, as a matter of priority and, concerned at the great number of reservations to the Convention, urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

2. *Urges* the States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;

3. *Calls upon* States parties to implement the Convention fully and to ensure that the rights set forth in the Convention are respected without discrimination of any kind and that the best interests of the child are a primary consideration in all actions concerning children, to recognize the child's inherent right to life and that the child's survival and development are ensured to the maximum extent possible, and that the child is able to express his/her views freely in all opinions on matters affecting him/her and that these views are listened to and given due weight in accordance with his/her age and maturity;

4. *Stresses* that the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children will contribute to the implementation of the Convention;

5. *Urges* States parties to take all appropriate measures for the implementation of the rights recognized in the Convention, bearing in mind article 4 of the Convention, by strengthening relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent commissioners for the rights of the child;

6. *Calls upon* all States to put an end to impunity, as a way to prevent violations of international human rights and humanitarian law, including where children are victims, in particular for serious crimes, such as the crime of genocide, crimes against humanity and war crimes, to bring perpetrators of such crimes to justice and not to grant amnesties for these crimes;

7. *Encourages* all States, to strengthen their national statistical capacities and to use disaggregated statistics, inter alia, disaggregated by age, gender and other relevant factors that may lead to disparities, and other statistical indicators at the national, subregional, regional and international levels in order to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

8. *Calls upon* States parties:

(a) To ensure that the members of the Committee on the Rights of the Child are of high moral standing and recognized competence in the field covered by the Convention, serving in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems;

(b) To strengthen their cooperation with the Committee and to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

9. *Decides* to request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, and invites the Committee to continue to enhance its constructive dialogue with the States parties and its transparent and effective functioning;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights, United Nations mechanisms, all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and working groups, regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff is trained in child protection matters, and calls upon States to cooperate closely with them;

11. *Calls upon* all States and relevant actors concerned to continue to cooperate with the special rapporteurs and special representatives of the United Nations system in the implementation of their mandates, requests the Secretary-General to provide them with appropriate staff and facilities from the United Nations regular budget, when this is in accordance with their respective mandates, invites States to continue to make voluntary contributions, where appropriate, and urges all relevant parts of the United Nations system to provide them with comprehensive reporting to make the full discharge of their mandates possible;

12. *Reaffirms* the importance of ensuring adequate and systematic training in the rights of the child for law enforcement and all professionals involved in activities concerning children, including teachers, judges, lawyers and social workers, as well as coordination between various bodies at the governmental and local levels;

## II. PROTECTION AND PROMOTION OF THE RIGHTS OF THE CHILD

### **Identity, family relations and birth registration**

13. *Calls upon* all States:

(a) To continue to intensify efforts to ensure the registration of all children, irrespective of their status, immediately after birth, including by the consideration of simplified, expeditious and effective procedures;

(b) To undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations, as recognized by law, without unlawful interference, and, where a child is illegally deprived of some or all of the elements of his or her identity, to provide appropriate assistance and protection with a view to re-establishing speedily his or her identity;

(c) To ensure as far as possible the right of the child to know and be cared for by his or her parents; to ensure that the child shall not be separated from his or her parents against their will, except when the competent authorities, subject to judicial review, determine, in accordance with applicable law and procedures and giving all interested parties an opportunity to participate in the proceedings and make their views known, that such separation is necessary for the best interests of the child; such determination may be necessary in a particular case, such as one involving abuse or neglect of the child by the parents or one where the parents are living separately and a decision must be made as to the child's place of residence; to respect the right of

the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests; where such separation results from action initiated by a State, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents of the child, that State shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family, unless the provision of the information would be detrimental to the well-being of the child; and, further, to ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned;

(d) To address cases of international abduction of children, bearing in mind that the best interest of the child shall be the primary consideration, and encourages States to engage in multilateral and bilateral cooperation to ensure, inter alia, the return of the child to the country where he or she resided immediately before the removal or retention and, in this respect, to pay particular attention to cases of international abduction of children by one of their parents or other relatives;

(e) To guarantee, to the extent consistent with each State's obligations, the right of a child whose parents reside in different States to maintain on a regular basis, save in exceptional circumstances, personal relations and direct contacts with both parents by providing means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

(f) To take all appropriate measures, especially educational measures, to further promote the responsibility of both parents in the education, development and raising of children;

### **Poverty**

*Convinced* that investments in children and the realization of their rights are among the most effective ways to eradicate poverty,

14. *Calls upon* States and the international community to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all of these levels, in order to ensure that all the development and poverty reduction goals, as set out in the United Nations Millennium Declaration, are realized within their time framework, and to promote the enjoyment of the rights of the child;



## **Health**

15. *Calls upon* all States to take all appropriate measures to develop sustainable health systems and social services and to ensure access to such systems and services without discrimination, and to pay particular attention to adequate food and nutrition to prevent disease and malnutrition, to prenatal and post-natal health care, to special needs of adolescents, to reproductive and sexual health and to threats from substance abuse and violence, in particular to all vulnerable groups, and calls upon all States parties to take all necessary measures to ensure the right of all children, without discrimination, to the enjoyment of the highest attainable standard of health in accordance with article 24 of the Convention;

16. *Also calls upon* all States to give support and rehabilitation to children and their families affected by HIV/AIDS and to involve children and their caregivers, as well as the private sector, to ensure the effective prevention of HIV infections through correct information and access to voluntary and confidential care, treatment and testing, including pharmaceutical products and medical technologies, affordable to all, giving due importance to the prevention of mother-to-child transmission of the virus;

## **Education**

17. *Calls upon* all States:

(a) To recognize the right to education on the basis of equal opportunity by making primary education free and compulsory for all, without discrimination and ensuring that all children, including girls, children in need of special protection, children with disabilities, indigenous children, children belonging to minorities and children from different ethnic origins, have access without discrimination to education of good quality, as well as making secondary education generally available and accessible for all, in particular by the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and that the education of the child is carried out and that States parties develop and implement programmes for the education of the child in accordance with articles 28 and 29 of the Convention on the Rights of the Child;

(b) To take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour through education, keeping in mind the important role that children play in changing these practices;

(c) To ensure that children, from an early age, benefit from education and from participation in activities which develop respect for human rights and emphasize the practice of non-violence, with the aim of instilling in them the values and goals of a culture of peace, and invites them to develop national strategies for human rights education which are comprehensive, participatory and effective;

(d) To ensure that education programmes and materials reflect fully the promotion and protection of human rights and values of peace, tolerance and gender equality, using every opportunity presented by the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010;

(e) To harness the rapidly evolving information and communication technologies to support education at an affordable cost, including open and distance education, while reducing inequality in access and quality;

18. *Urges States:*

(a) To take measures to protect students from violence, injury or abuse, including sexual abuse and intimidation in schools, to establish complaint mechanisms that are accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(b) To take measures to eliminate the use of corporal punishment in schools;

### **Freedom from violence**

19. *Requests* the independent expert to conduct the study on the question of violence against children as soon as possible, invites him to be based in Geneva in order to enhance his collaboration with the Office of the High Commissioner for Human Rights, the United Nations Children's Fund and the World Health Organization, invites Member States, United Nations bodies and organizations, including the Committee on the Rights of the Child, as well as other relevant intergovernmental organizations, to provide substantive and, where appropriate, financial support, including through voluntary contributions, for the effective conduct of the study and invites non-governmental organizations to contribute to the study, taking into account the recommendations of the Committee on the Rights of the Child made following the general discussions on violence against children held in September 2000 and 2001, and, further, encourages the independent expert to seek also the participation of children in the study, taking into account their age and maturity;

20. *Requests* the Secretary-General to submit a substantive progress report on the study to the Commission at its sixtieth session and the final in-depth study to the Commission at its sixty-first session for its consideration, with the aim of evaluating all possible complementary measures and future actions;

21. *Requests* all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, to pay attention to the special situation of violence against children, reflecting their experience in the field;

22. *Calls upon* all States to take all appropriate national, bilateral and multilateral measures to prevent, and to protect children from, all forms of physical, sexual and psychological violence, including violence occurring, inter alia, in the family, in public or private institutions, in society, or perpetrated or tolerated by private individuals, juridical persons or the State;

23. *Also calls upon* all States to investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices;

### III. NON-DISCRIMINATION

24. *Calls upon* all States to ensure that children are entitled to their civil, political, economic, social and cultural rights without discrimination of any kind;

25. *Notes with concern* the large number of children, particularly girls, among the victims of racism, racial discrimination, xenophobia and related intolerance, and stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, in order to give priority attention to the rights and the situation of children who are victims of these practices, and calls upon States to provide special support and ensure equal access to services for those children;

26. *Calls upon* all States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist not to deny to a child belonging to such a minority or who is indigenous the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language;

### **The girl child**

27. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(a) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms, and to base programmes and policies on the rights of the child, taking into account the special situation of girls;

(b) To eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, the root causes of son preference, marriages without free and full consent of the intending spouses, early marriages and forced sterilization, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

### **Children with disabilities**

28. *Calls upon* all States to take necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and private spheres, including access to good quality education and health care, protection from violence, abuse and neglect and, where necessary, to develop and enforce legislation against their discrimination to ensure their dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

29. *Encourages* the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities to consider the issue of children with disabilities in its deliberations;

### **Migrant children**

30. *Calls upon* all States to ensure, for migrant children, the enjoyment of all human rights as well as access to health care, social services and education of good quality; States should ensure that migrant children and especially those who are unaccompanied, in particular victims of violence and exploitation, receive special protection and assistance;

#### IV. PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN IN PARTICULARLY DIFFICULT SITUATIONS

##### **Children working and/or living on the street**

31. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary executions, torture, all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these children, and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

##### **Refugee and internally displaced children**

32. *Calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations;

##### **Child labour**

33. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour 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, and to immediately eliminate the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, as well as to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

34. *Also urges* all States that have not yet done so to consider ratifying and implementing the Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) and the Convention concerning the minimum age for employment (No. 138) of the International Labour Organization and calls upon States parties to these instruments to comply in a timely manner with their reporting obligations;

**Children alleged to have or recognized as having infringed penal law**

35. *Calls upon:*

(a) All States, in particular States in which the death penalty has not been abolished, to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 37 and 40 of the Convention on the Rights of the Child and articles 6 and 14 of the International Covenant on Civil and Political Rights, keeping in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989; and calls upon those States to abolish by law as soon as possible the death penalty for those aged under 18 at the time of the commission of the offence;

(b) All States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment;

(c) All States to take appropriate steps to ensure compliance with the principle that depriving children of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children are provided with adequate legal assistance and are separated from adults, to the greatest extent feasible, unless it is considered in their best interest not to do so, and also to take appropriate steps to ensure that no child in detention is sentenced to forced labour, corporal punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention on the Rights of the Child;

**V. PREVENTION AND ERADICATION OF THE SALE OF CHILDREN,  
CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

36. *Calls upon* all States:

(a) To take all appropriate national, bilateral and multilateral measures, inter alia to develop national laws and allocate resources for the development of long-term policies, programmes and practices and to collect comprehensive and disaggregated gender-specific data, to facilitate the participation of child victims of sexual exploitation in the development of

strategies and to ensure the effective implementation of relevant international instruments concerning the prevention and the combat of trafficking and sale of children for any purpose or in any form, including the transfer of the organs of the child for profit, child prostitution and child pornography, and encourages all actors of civil society, the private sector and the media to cooperate in efforts to this end;

(b) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(c) To consider ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(d) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, the sale of children and their organs, and the use of the Internet for these purposes, while ensuring that, in the treatment by the criminal justice system of children who are victims, the best interests of the child shall be a primary consideration, and to take effective measures against the criminalization of children who are victims of exploitation and effective measures to ensure prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country where the crime was committed, or in the offender's country of origin, or in the country of destination, in accordance with due process of law;

(e) In cases of the sale of children, child prostitution and child pornography, to address effectively the needs of victims, including their physical and psychological recovery and full reintegration into society;

(f) To combat the existence of a market that encourages such criminal practices against children, including through the adoption and effective application of preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as ensuring public awareness;

(g) To afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth

in article 3, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, including assistance in obtaining evidence at their disposal for the proceedings;

(h) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children;

37. *Requests* the Special Rapporteur on the sale of children, child prostitution and child pornography to submit a report to the Commission at its sixtieth session;

#### VI. PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

*Noting with appreciation* the Agenda for War-Affected Children adopted by the International Conference on War-Affected Children, held in Winnipeg, Canada, in September 2000, and efforts by regional organizations to include prominently the rights and protection of children affected by armed conflict in their policies and programmes,

38. *Reaffirms* the essential role of the General Assembly, the Economic and Social Council and the Commission on Human Rights for the promotion and protection of the rights and welfare of children, including children in armed conflict, and takes note of the importance of the debates held by the Security Council on children and armed conflict, of Council resolutions 1379 (2001) of 20 November 2001 and 1460 (2003) of 30 January 2003 and of the undertaking by the Council to give special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations;

39. *Stresses* the continuing importance of the Plan of Action on Children Affected by Armed Conflict of the International Red Cross and Red Crescent Movement and the resolution on this subject adopted at the twenty-seventh International Conference of the Red Cross and Red Crescent;



40. *Takes note* of the entry into force of the Rome Statute of the International Criminal Court (A/CONF.183/9) and notes in particular the inclusion therein, as a war crime, of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts;

41. *Calls upon* States:

(a) To end the recruitment of children and their use in armed conflicts contrary to international law, including obligations assumed under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization;

(b) When ratifying the Optional Protocol, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(c) To ensure that children are not forcibly or compulsorily recruited into their armed forces and, where voluntary recruitment to the national armed forces under the age of 18 years is permitted, to ensure compliance with the safeguards under article 3, paragraph 3, of the Optional Protocol;

(d) To take all feasible measures to prevent recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practices;

(e) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, taking into account the rights, and the specific needs and capacities of girls;

42. *Calls upon*:

(a) All States and other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977;

(b) Armed groups that are distinct from the armed forces of a State not, under any circumstances, to recruit or use in hostilities persons under the age of 18 years;

(c) All States and relevant United Nations bodies and agencies and regional organizations to integrate the rights of the child into all activities in conflict and post-conflict situations, to ensure adequate child protection training of their staff and personnel and to facilitate the participation of children in the development of strategies in this regard, making sure that there are opportunities for children's voices to be heard;

(d) All States and relevant United Nations bodies to continue to support national and international mine action efforts, including through financial contributions, mine awareness programmes, mine clearance, victim assistance and child-centred rehabilitation, taking note of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and welcomes the positive effects on children of concrete legislative and other measures with respect to anti-personnel mines, and also taking note of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Amended Protocol II) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and the implementation of these instruments by those States that become parties to them;

43. *Recommends* that, whenever sanctions are imposed, in particular in the context of armed conflict, their impact on children be assessed and monitored and, to the extent that there are humanitarian exemptions, they be child-focused and formulated with clear guidelines for their application, in order to address possible adverse effects of the sanctions, and reaffirms the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent;

## VII. RECOVERY AND SOCIAL REINTEGRATION

44. *Encourages* States to cooperate, including through bilateral and multilateral technical cooperation and financial assistance, in the implementation of their obligations under the Convention on the Rights of the Child, including in the prevention of any activity contrary to the rights of the child and in the rehabilitation and social integration of the victims, such assistance and cooperation to be undertaken in consultation among concerned States and relevant international organizations as well as other relevant actors;

VIII.

45. *Decides:*

(a) To request the Secretary-General to submit to the Commission at its sixtieth session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and on the problems addressed in the present resolution;

(b) To continue its consideration of this question at its sixtieth session under the same agenda item.

*63rd meeting  
25 April 2003*

[Adopted without a vote. See chap. XIII.]

## **B. Decisions**

### **2003/112. The prevention of human rights violations caused by the availability and misuse of small arms and light weapons**

At its 62nd meeting, on 25 April 2003, the Commission on Human Rights, taking note of Sub-Commission on Promotion and Protection of Human Rights resolution 2002/25 of 14 August 2002, decided, without a vote, to endorse the decision of the Sub-Commission to appoint Ms. Barbara Frey as Special Rapporteur with the task of preparing a comprehensive study on the prevention of human rights violations committed with small arms and light weapons based on her working paper (E/CN.4/Sub.2/2002/39) as well as the comments received and the discussion that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission, and its request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session. The Commission also decided to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.

[See chap. XVII.]

### **2003/113. Enhancement of the functioning of the Office of the United Nations High Commissioner for Human Rights in regard to the operation of the mechanism of the Commission on Human Rights**

At its 62nd meeting, on 25 April 2003, the Commission on Human Rights, taking note with interest of the report of the United Nations High Commissioner for Human Rights (E/CN.4/2003/14) in which the High Commissioner advanced ideas to take forward the reforms called for by the Secretary-General for the strengthening of the special procedures system and the improved management of the Office, including the creation of a dedicated Special Procedures Branch consisting of a solid cadre of human rights professionals supporting special procedures, decided by a recorded vote of 28 votes to 24, with 1 abstention to request the High Commissioner:

(a) To ensure more effective coordination among the various branches of his Office in order to preclude any overlapping and/or duplication among all the mechanisms mandated by and/or reporting to the Commission on Human Rights referred to in document E/CN.4/2000/112 and Commission decision 2000/109 of 26 April 2000;

- (b) To ensure that communications received or urgent appeals issued under the special procedures system are forwarded to the country concerned with written authorization from the special rapporteurs, independent experts or working groups in accordance with the basic criteria and standards of admissibility existing in this connection;
- (c) To discontinue the present practice of transmitting ex officio monthly lists of communications and their contents to other organs/bodies of the United Nations system, regardless of the nature or characteristics of these communications, unless express authorization to this effect has been granted by the Commission and the Economic and Social Council;
- (d) To report to the Commission at its sixtieth session under the same agenda item on the steps and measures taken to implement the present decision.

[See chap. XVIII.]

#### **2003/114. Organization of work of the sixtieth session of the Commission on Human Rights**

At its 62nd meeting, on 25 April 2003, the Commission on Human Rights, taking into account its heavy schedule of work as well as the need to give adequate consideration to all the items on its agenda decided:

- (a) To recommend to the Council that it authorize eight fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Council, for the Commission's sixtieth session;
- (b) To request the Chairperson of the sixtieth session of the Commission on Human Rights to make every effort to organize the work of the session within the time normally allotted so that the additional meetings that the Council might authorize would be utilized only if they proved to be absolutely necessary.

#### **2003/115. Dates of the sixtieth session of the Commission on Human Rights**

At its 62nd meeting, on 25 April 2003, the Commission on Human Rights, recalling decision 1994/297 of 29 July 1994 of the Economic and Social Council, and taking into account Council decisions 1997/291 of 22 July 1997 and 2002/278 of 25 July 2002, decided, without a vote, that the first meeting of the Commission on Human Rights to elect officers will be held on the third Monday in January with the sole purpose of electing its officers, and that the sixtieth session of the Commission on Human Rights would be held from 15 March to 23 April 2004.

**2003/116. Intersessional activities of the Bureau**

At its 62nd meeting, on 25 April 2003, the Commission on Human Rights decided ... to authorize its Bureau, working together with the regional coordinators, after the conclusion of the fifty-ninth session and in full consultation of all regional groups, to consider steps which could be recommended to the Expanded Bureau of the sixtieth session in order to improve further the organization of work of the Commission based, inter alia, on decision 2003/101 of the Commission which endorsed the recommendations contained in document E/CN.4/2002/118 and Corr.1.

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