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COMISIÓN DE DERECHOS HUMANOS
61º período de sesiones
Tema 13 del programa provisional

LOS DERECHOS DEL NIÑO

Nota de la Secretaría

1. El 2 de diciembre de 2004 el Presidente del Comité de los Derechos del Niño envió una carta a la Presidenta del 61º período de sesiones de la Comisión de Derechos Humanos relativa a la decisión titulada "Niños carentes de cuidado parental", adoptada por el Comité en su 37º período de sesiones (véase CRC/C/143). En la decisión se señalaba que con frecuencia las observaciones finales del Comité sobre los informes de los Estados Partes trataban de graves dificultades en relación con el cuidado de los niños en sistemas de guarda oficiales o no oficiales, inclusive a cargo de familiares y en adopción, o en instituciones de internado, y se recomendaba a menudo el fortalecimiento y la supervisión periódica de estos otros tipos de cuidado. En la decisión se recomendaba, entre otras cosas, que la Comisión de Derechos Humanos estudiara la posibilidad de establecer en su 61º período de sesiones en 2005 un grupo de trabajo que preparara un proyecto de directrices de las Naciones Unidas para la protección y otros tipos de cuidado de los niños carentes de cuidado parental.

2. A petición de la Presidenta de la Comisión, la citada carta del Presidente del Comité de los Derechos del Niño se reproduce en el anexo del presente documento*.

*Se reproduce como se presentó, en el idioma original únicamente.

Annex

**LETTER DATED 2 DECEMBER 2004 FROM THE CHAIRPERSON OF THE
COMMITTEE ON THE RIGHTS OF THE CHILD ADDRESSED TO THE
CHAIRPERSON OF THE COMMISSION ON HUMAN RIGHTS**

Excellency,

At its thirty-seventh session (13 September -1 October 2004) the Committee on the Rights of the Child, the treaty body established under article 43 of the Convention on the Rights of the Child, adopted a decision entitled "Children without parental care". The decision, which will be published in document CRC/C/143, notes the frequency with which the Committee's concluding observations on States parties address serious difficulties regarding care provision for children in informal or formal fostering, including kinship care and adoption, or residential facilities, often recommending the strengthening and regular monitoring of alternative care measures. The decision recommends that:

"The United Nations Commission on Human Rights:

- (a) Consider establishing at its sixty-first session (2005) a working group to prepare draft of United Nations guidelines for the protection and alternative care of children without parental care by 2008;
- (b) Request the Office of the High Commissioner for Human Rights (OHCHR), UNICEF, the World Health Organization (WHO), other interested intergovernmental bodies and international NGOs to provide, in consultation with the Committee on the Rights of the Child, information and support to the working group in pursuance of this objective;
- (c) Request a report on progress achieved in this regard for consideration at its sixty-second session (2006)."

I would be grateful if you could bring this decision to the attention of the Bureau of the Commission with a view to the Commission considering this request under its item on child rights. The working group (which would meet for one week a year) would prepare a non-binding international instrument to complement each of the provisions of the Convention on the Rights of the Child. This proposal builds on the work in the area of juvenile justice over the last twenty years during which time the General Assembly has adopted four non-binding international instruments that complement the Convention: the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules, 1985); the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines, 1990); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990); and the Vienna Guidelines for Action on Children in the Criminal Justice System (1997). It is also

based on the initiative of the Committee which requested the establishment of a working group to draft an optional protocol to the Convention on the involvement of children in armed conflict, which led to the adoption of an optional protocol on this issue by the General Assembly in 2000 (resolution 54/263).

I thank you in advance for kindly facilitating the transmission of the Committee's decision to the members and observers of the Commission on Human Rights. At a later stage, the Committee would be happy to provide a draft instrument on children without parental care. I look forward to cooperating with you and other members of the Commission in a near future.

(signed) Jakob Egbert DOEK
Chairperson
Committee on the Rights of the Child