



经济及社会理事会

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人权委员会
第六十一届会议
临时议程项目 13

儿童权利

秘书处的说明

1. 2004 年 12 月 2 日，儿童权利委员会主席就该委员会第三十七届会议通过的题为“无父母亲照料的儿童”的决定(见 CRC/C/143)致函人权委员会第六十届会议主席。该决定注意到委员会就缔约国的报告提出的结论性意见经常述及通过非正式或正式寄养为儿童提供照料，包括亲属照料和收养或养育所的照料往往困难重重，因此往往建议增强并定期监测其他方式的照料措施。该决定除其他外还建议人权委员会在 2005 年第六十一届会议上考虑设立一个工作组，负责拟定一份联合国关于无父母照料儿童的保护和其他照料办法的准则草案。

2. 应人权委员会主席的要求，现将儿童权利委员会主席的上述来信附在本文件附件分发。^{*}

^{*} 仅以提交语文分发。

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