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**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON
THE SIXTY-FIRST SESSION OF THE COMMISSION**

Draft report of the Commission

Rapporteur: Ms. Deirdre KENT (Canada)

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* Documents E/CN.4/2005/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.4/2005/L.11 and addenda.

XIII. Rights of the child

1. The Commission considered agenda item 13 at its 39th, 40th and 41st meetings on 8 April 2005, and at its 57th meeting on 19 April.¹
2. For the documents issued under agenda item 13, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.
3. At the 39th meeting, on 8 April 2005, the Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Juan Miguel Petit, introduced his report (E/CN.4/2005/78 and Add.1-3). During the ensuing interactive dialogue, the representatives of Paraguay and Romania made statements, as concerned countries, on the report. The representatives of Costa Rica, Cuba, Indonesia as well as the observers for Haiti and Luxembourg (on behalf of the European Union) also addressed questions to the Special Rapporteur, to which he responded.
4. At the same meeting, the Independent Expert on the study on violence against children, Mr. Paulo Sérgio Pinheiro, introduced his progress report (E/CN.4/2005/75).
5. In the general debate on agenda item 13, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Abduction of children in Africa

6. At the 57th meeting, on 19 April 2005, the representative of Ethiopia (on behalf of the States members of the African Group) introduced draft resolution E/CN.4/2005/L.35/Rev.1, sponsored by Ethiopia (on behalf of the States members of the African Group). Benin, Guinea, Nicaragua, Switzerland and the United States of America subsequently joined the sponsors.

¹ See footnote 1 above (chap. III, para. 1).

7. The representative of Ethiopia orally revised the draft resolution by modifying the third operative paragraph.

8. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications² of the draft resolution.

9. The draft resolution, as orally revised, was adopted without a vote. For the text see chapter II, section A, resolution 2005/43.

Rights of the child

10. At the same meeting, the observer for Luxembourg (on behalf of the European Union and the Group of Latin American and Caribbean States) introduced draft resolution E/CN.4/2005/L.96, sponsored by Albania, Andorra, Argentina, Armenia, Austria, Belgium, Bolivia, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Paraguay, Peru, Portugal, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Australia, Belarus, Brazil, Burkina Faso, Canada, Guinea, Iceland, Kazakhstan, Liechtenstein, Mexico, Morocco, Nigeria, Norway, Panama, Poland, Republic of Moldova, San Marino, Switzerland, The former Yugoslav Republic of Macedonia and Ukraine subsequently joined the sponsors.

11. Statements in connection with the draft resolution were made by the representatives of Canada (on behalf of Canada, New Zealand, Norway and Switzerland), the Russian Federation and the United States of America.

12. The representative of the United States of America proposed amending the draft resolution as follows:

² See footnote 2 above (chap. III, para. ...).

- (a) The first preambular paragraph, to read as follows:

“Emphasizing that the Convention on the Rights of the Child, its Protocol on the Sale of Children, Child Prostitution and Child Pornography, its Protocol on the Involvement of Children in Armed Conflict, the International Covenant on Civil and Political Rights, as well as the ILO Convention 182 concerning the Prohibition and immediate Action for the Elimination of the Worst Forms of Child Labor, the Hague Convention on the Civil Aspects of International Child Abduction, and the 1951 Convention relating to the status of refugees and its 1967 Protocol contain a comprehensive set of international legal standards for the protection and well-being of children, and reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children.”;

- (b) Operative paragraph 2, to read as follows:

“Urges States that have not yet done so to consider as a matter of priority signing and ratifying or acceding to the CRC and its Optional Protocols, and urges States parties to implement them fully, while stressing that the implementation of the Convention and its Optional Protocols and the achievement of the goals of the World Summit for Children the special session of the GA on children are mutually reinforcing.”;

- (c) To delete operative paragraph 3;

- (d) Operative paragraph 7, to read as follows:

“Calls upon all States to end impunity for perpetrators of crimes committed against children, and takes note of the entry into force of the Rome Statute of the ICC 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 conflicts.”;

- (e) Operative paragraph 16 (d), to read as follows:

“Guaranteeing 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 contact with both parents by providing enforceable 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) Operative paragraph 16 (f), to read as follows:

“Addressing cases of international abduction of children and encouraging 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.”

13. Statements in connection with the proposed amendments were made by the representatives of Mexico (on behalf of the Group of Latin American and Caribbean States) and the Netherlands (on behalf of the States members of the European Union that are members of the Commission - Finland, France, Germany, Hungary, Ireland, Italy and the United Kingdom of Great Britain and Northern Ireland as well as Romania which aligned itself with the statement).

14. At the request of the representative of the United States of America, a recorded vote was taken on the proposed amendments to the draft resolution, which were rejected by 51 votes to 1, with 1 abstention. The voting was as follows:

In favour: United States of America.

Against: Argentina, Armenia, Australia, Bhutan, Brazil, Burkina Faso, Canada, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Finland, France, Gabon, Germany, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kenya, Malaysia, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Paraguay, Peru, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Abstaining: Pakistan.

15. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution, which was adopted by 52 votes to 1. The voting was as follows:

In favour: Argentina, Armenia, Australia, Bhutan, Brazil, Burkina Faso, Canada, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Finland, France, Gabon, Germany, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kenya, Malaysia, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Against: United States of America.

Abstaining: None.

16. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications³ of the draft resolution.

17. For the text, see chapter II, section A, resolution 2005/44.

³ Ibid.