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Chair: Mr. Tommo Monthe (Cameroon)

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The meeting was called to order at 3.10 p.m.

Agenda item 64: Promotion and protection of the rights of children (A/65/336)

- (a) **Promotion and protection of the rights of children** (A/65/41, A/65/206, A/65/219, A/65/262 and A/65/221)
- (b) **Follow-up to the outcome of the special session on children** (A/65/226)

1. **Mr. Lake** (Executive Director, United Nations Children's Fund (UNICEF)), introducing the report of the Secretary-General on progress made towards building a world fit for children (A/64/226), said that the report focused on the critical importance of implementing child rights in early childhood, given that failing to protect those rights in that most vulnerable moment of a child's life was already condemning millions of children to premature death or to a life sentence of deprivation, disease and diminished potential. Indeed, there was no greater violation of child rights than to deny a child the chance to learn, grow and thrive.

2. The most effective way to affirm the universality of child rights was through universal ratification of the Convention on the Rights of the Child and its Optional Protocols, and by implementing its protections in early childhood. Failure to do so would incur a greater price to society and an even higher human cost. For instance, children deprived of essential nutrients during their first three years were at high risk of developing stunting, a condition that blighted their physical and cognitive development irreversibly. Moreover, children whose births were not registered legally were more easily exploited and far less able to exercise the legal rights of a citizen later in life. Children who participated in early education programmes were more likely to pursue their studies, reach their full potential and send their own children to school someday.

3. At the recent High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, education, nutrition, child protection, and various other issues had been described by their advocates as the most important factor in building a world fit for children, and rightly so, as each was integral to achieving a world in which every child's rights were protected and where all children were able to achieve their full potential. Therefore, there was a need for an integrated approach tailored to individual

countries' circumstances, characterized by bottom-up innovations and delivered at the community level to those in greatest need.

4. UNICEF data revealed widening disparities among key indicators, especially in maternal and child mortality. However, as the Secretary-General's report and UNICEF modelling showed, investing in early childhood interventions resulted in the best long-term outcomes and a more equitable world. Lastly, work to support child rights depended on supporting the family. Parents were often isolated from the services and support that families needed to thrive, whether in terms of health care and education or social support to address domestic violence, abuse and neglect.

5. He looked forward to working with all partners to create a global alliance to make the protections of the Convention and its Optional Protocols real for every child, a task that reflected the highest aspirations of humankind to build a better future for all children.

6. **Mr. Tarar** (Pakistan) asked whether UNICEF intended to interact with other agencies in introducing the concept of equity into its work on the Millennium Development Goals, or whether the equity-centred approach would instead be restricted to its activities.

7. **Mr. Giaufret** (European Union), speaking on behalf of the candidate countries Turkey, Croatia, the former Yugoslav Republic of Macedonia and Iceland, the stabilization and association process countries and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, and the EFTA countries Liechtenstein and Norway, members of the European Economic Area, as well as Armenia, Georgia, the Republic of Moldova and Ukraine, expressed his support for the initiative on achieving the Goals by means of an equity-oriented approach and asked how the initiative would specifically address children in early childhood.

8. **Mr. Vigny** (Switzerland) enquired how UNICEF intended to cooperate with the newly created United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and coordinate its activities with the latter, especially in the areas of protection and education of girl children.

9. **Mr. Lake** (Executive Director, UNICEF) said that he appreciated the expressions of support for the notion of working towards achieving the Goals with equity, a concept that was deeply embedded in the

Convention on the Rights of the Child and in the UNICEF charter. Rather than a new invention, the concept of equity had in fact informed the work done thus far towards the Goals. In the light of studies showing that disparities were actually growing, UNICEF was convinced that equity was important, lest the drive to achieve the Goals create less just societies. In fact, concentrating on the most deprived areas was both the right course of action and the most practical one, as it had been demonstrated that Goal-related activities undertaken in those areas created a greater return in terms of children's lives saved. Governments and donors should bear those facts in mind when developing policies, and they should also strive for integrated approaches that addressed nutrition, health, education and protection, for failure to address any one element would defeat the overall effort. Furthermore, it would be necessary to draw on strengths of the communities themselves in order to coordinate the delivery of assistance.

10. He hailed the recent appointment of former Chilean President Michelle Bachelet to head UN Women as one of the most important and welcome in recent years. The new entity's work on issues affecting women and girls would help promote more integrated approaches. As evinced by the strong relationship between Goals 4 and 5, women's rights and children's rights were inseparable: progress on infant mortality, for instance, would require redoubled efforts to reduce maternal mortality. Moreover, ongoing activities on women's issues would have a direct impact on the welfare of children, as in the case of education; statistics showed that the more education a young girl received, the later she was likely to marry, the less likely she was to die in childbirth, and the more likely her own child was to get an education.

11. **Ms. Coomaraswamy** (Special Representative of the Secretary-General for Children and Armed Conflict), introducing her report to the Secretary-General (A/65/219), said that in the previous year, the United Nations had achieved notable successes in its attempt to save children from exploitation as soldiers, including the release and discharge of almost 3,000 children from Maoist cantonments in Nepal and commitments from the Sudan People's Liberation Army and the Justice and Equality Movement in Sudan to facilitate the release of children. In the Philippines, the Moro Islamic Liberation Front had entered into an action plan with the United Nations on programmes for

children's rehabilitation and reintegration. In Burundi, all children associated with the National Liberation Forces (FNL) had been released and reunified with their families. Such successes only underscored the need for continued efforts to ensure that groups listed in the Secretary-General's annexes for recruiting and using children entered into action plans for their release.

12. For the first time, parties committing sexual violence against children or who killed and maimed them had been listed in the annexes of the Secretary-General's report in 2010. Country task forces were establishing modalities to improve the collection, verification and sharing of information on sexual violence. Her Office was also in discussions with UNICEF and the new Special Representative on Sexual Violence in Conflict on issuing guidance notes on data collection to field workers. Her Office had also attempted to raise awareness of the dilemmas faced by internally displaced children. During her recent visit to a camp in Kabul, Afghanistan, she had met children who had been able to go to school thanks to efforts made by UNICEF, but others who had not had such opportunities and were disgruntled as a result served as a reminder that such children were always susceptible to recruitment by armed groups unless there was a targeted policy meeting their needs.

13. Recent accomplishments notwithstanding, many challenges remained. Sexual violence against women and children was still a brutal reality in many conflicts, and ending impunity and bringing perpetrators to justice would create the necessary deterrence against future violations. However, any action taken must have national ownership and effective national institutions for accountability in order to be sustainable. Her Office looked forward to working with Governments in supporting strategies that held perpetrators accountable and responded to the needs of survivors.

14. Violations against children were often committed by non-State actors, many of whom were listed in the Secretary-General's report, and the only way for them to be de-listed was to enter into an action plan with the United Nations. Governments must facilitate the process by allowing the Organization, in full consultation with the States concerned, to access those vulnerable groups in order to facilitate the release of children.

15. It would be important to take targeted action against recalcitrant parties who continued to be listed

as offenders in the Secretary-General's report. The Sanctions Committee concerning the Democratic Republic of the Congo had heard submissions from her Office and charges of recruitment and use of children had been added as grounds for sanctioning certain individuals. Similar measures must be adopted in the other relevant sanctions committees.

16. Best practices in the provision of necessary services to children recently released by concerned parties would require a sustained engagement with the affected children over a minimum of two years with child protection partners in a position to interact with the child, the family and the community. Without the necessary follow-up, children might be re-recruited or end up in street gangs or as street children. Donors must therefore respond effectively to the call for reliable long-term funding for reintegration and other programmes. Her Office was currently facing resource gaps in all situations of concern, including the Philippines, Sudan and the Central African Republic. For youth and returning young mothers, finding sustainable and viable employment remained a significant challenge, one also faced by child protection partners assisting youth in the field.

17. There was a disturbing increase in attacks on schools, teachers and students in some parts of the world, a despicable practice aggravated by the fact that schools were no longer sacrosanct in wartime but were instead used as barracks or bombarded. As the only space for normalcy for children in conflict areas, schools must be recognized as zones of peace by all parties to a conflict, and it would be important to work with local communities to help them defend the schools and keep their children safe. The attacks on girls going to school were particularly alarming.

18. As the nature of warfare changed, her Office had been encouraging peacekeeping contingents and national armies to finalize rules of engagement for the protection of children during military operations and also to ensure that all proper precautions were taken before any aerial assault in populated areas in order to prevent civilian casualties. She hoped that all Governments would abide by those simple rules and in so doing, help protect more children.

19. Justice and children affected by armed conflict was another area of concern. In transitional justice situations, children were often the victims who needed access to the system for redress. Children also came before the justice system as perpetrators, and a set of

principles must be agreed upon in that respect. International criminal practice had made it clear that children should not be tried for war crimes or crimes against humanity; with regard to any lesser charge, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice should apply, so as to ensure that children who were used by adults in wars they did not seek were not given grave punishments. While children should face the moral implications of their actions, the process should focus on rehabilitation and restorative justice. She urged countries to move away from punitive measures towards rehabilitation and education, particularly in cases where children were kept in jail because of such minor charges as throwing stones or for their association with armed groups. Children should not be brought before military or administrative tribunals; instead, they must be taken care of by juvenile justice processes that protected and respected their rights while taking note of their age and capacity for judgement.

20. Millennium Development Goal-related indicators affecting children were the worst in conflict zones; her Office hoped to work with the UNICEF equity vision initiative by identifying children in conflict zones as a group requiring priority funding by the international community.

21. Her Office was implementing a campaign titled "Zero under Eighteen" to ensure that every country had signed the Optional Protocol on the Involvement of Children in Armed Conflict. Universal ratification of both Optional Protocols would make it possible to argue that an international moral consensus against the phenomenon of child soldiers existed and that those who engaged in their recruitment were outlaws in the true sense of the word.

22. **Mrs. Andamo** (Thailand) said that she would be interested to know whether the different entities, including UNICEF, had encountered any difficulties in terms of inter-agency coordination in the field and if so, whether there was anything Governments could do to help. She also sought to gain a better understanding of the process of collecting and verifying information on the ground.

23. **Mr. Zeidan** (Observer for Palestine) said that hundreds of Palestinian children were being held in Israeli prisons and detention centres and there were accounts of widespread torture and ill-treatment of Palestinian children during interrogations. He recalled that the Special Representative had expressed concern

about the issue and asked what steps she was taking to halt those practices and bring those responsible to justice.

24. **Mr. Hjelde** (Norway) expressed deep concern about sexual violence against children in armed conflict and asked if there were plans to extend mechanisms against it to encompass adult victims, in cooperation with the Special Representative on Sexual Violence in Conflict. He welcomed the adoption of General Assembly resolution 64/290 on the right to education in emergency situations and insisted that hospitals and schools must be regarded as zones of peace for children. He also asked what her involvement was in the follow-up process to the Department of Peacekeeping Operations policy directive on mainstreaming the protection of children in armed conflict.

25. **Ms. Coomaraswamy** (Special Representative of the Secretary-General for Children and Armed Conflict) said that the Security Council had set up an experimental monitoring and reporting mechanism, using task forces from United Nations Member States and coordinated in her Office. The task forces had clear mandates, manuals had been written in partnership with UNICEF and others and she was therefore confident of a coordinated United Nations response. Any allegation must be verified by the United Nations system wherever possible; in the few cases where that was not possible, other information verified by more than one source was sought.

26. She had expressed concern about the issue of Palestinian children in detention and hoped to visit Israel to discuss it in the coming months. She would continue dialogue with Israel and hoped to move the matter forward, regardless of what happened in the political process.

27. Her Office had been working closely with UNICEF and with the office of the Special Representative of the Secretary-General. If the monitoring of sexual violence against children should be expanded to cover women, a Security Council resolution would be required; alternatively, her Office was considering liaison between information-gatherers.

28. **Mr. Tarar** (Pakistan), noting that the Security Council had also adopted the issue of children in armed conflict, wondered how its mandate was balanced with hers — which was based on a General Assembly resolution — and whether that could itself lead to

conflict. Her work largely focused on developing countries, and he asked her to elaborate on the importance of local cultural contexts and whether her team reflected the geographical diversity required. Finally, he questioned whether the General Assembly had actually endorsed the guarantees to internally displaced children outlined in her report.

29. **Mr. Giaufret** (European Union) welcomed recent ratifications of the Convention on the Rights of the Child and its protocols and asked where progress was expected in the near future. He asked for details on the implementation of the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups on the reintegration of former child soldiers and on practical measures that could further improve the system of mainstreaming child protection throughout peacekeeping operations and special political missions.

30. **Mr. Vigny** (Switzerland) said that in his view, the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) were a sufficient foundation for dealing with former child soldiers brought to trial as perpetrators.

31. **Ms. Coomaraswamy** (Special Representative of the Secretary-General for Children and Armed Conflict) said that her report had been sent both to the Security Council and to the General Assembly and she saw no conflict in that regard. She denied focusing on developing countries, saying she had been strongly arguing the case of a Canadian boy held in Guantanamo and working closely with United States military leaders on rules of engagement in Afghanistan with a view to protecting children. She was very aware of cultural contexts, but war crimes, genocide and especially crimes against children had no cultural justification. Finally, if the General Assembly had not actually endorsed guarantees to internally displaced children, it had referred to them; that was sufficient to move forward. She expressed satisfaction with the 10 recent ratifications of the Convention on the Rights of the Child. It was very important for the Paris Principles to be implemented to ensure the reintegration of former child soldiers.

32. With regard to former child soldiers, children were increasingly being detained for association with armed groups, for example in Iraq and Afghanistan, and principles on how long and where they were held were needed. Children should not be prosecuted for

war crimes or crimes against humanity; the Beijing Rules applied to lesser crimes. She hoped to issue a document in the coming year on justice, children and armed conflict.

33. **Mr. Abdelaziz** (Egypt) said that it was his impression that more focus had been put on women's than on children's issues. No progress indicators had been presented to the Security Council or the General Assembly regarding children in armed conflict. He asked how the Special Representative justified that lack of progress and the lack of resources in the area.

34. **Mr. Saadi** (Algeria), recalling the Special Representative's concern that her proposed sanctions on authorities which violated children's rights had only been followed in one case, asked if she had proposed sanctions on any other authorities. He also asked if additional resolutions were needed to protect schools and children during armed conflict.

35. **Ms. Coomaraswamy** (Special Representative of the Secretary-General for Children and Armed Conflict) said that she saw 2010 as a year of consolidation with regard to children and armed conflict. Her Office had pressed for the listing of perpetrators of sexual violence, killing and maiming, had hired consultants to create a field manual and guidance and planned to move the agenda forward at the Security Council.

36. On the question of the relative focus on women's and children's issues, she admitted that resources were not matched to best practices: there was funding for short-term projects, but working with children and their families was a long process. She appealed to UNICEF and other partners for funding.

37. Regarding sanctions, there were 19 persistent violators listed in the annexes of the report of the Secretary-General and she hoped steps could be taken towards sanctions against some of them. The Sanctions Committee concerning the Democratic Republic of the Congo was the only sanctions committee which had accepted her recommendation but she would try to work with others.

38. **Ms. Santos Pais** (Special Representative of the Secretary-General on Violence against Children) expressed strong commitment to achieving the universal ratification of the Optional Protocols to the Convention on the Rights of the Child by 2012 and was encouraged by the wide support received from Member

States, United Nations agencies and partners and civil society organizations. The goal of universal ratification was already on the policy agenda of the Global Plan of Action to Combat Trafficking in Persons and in the Roadmap adopted by The Hague Global Child Labour Conference of May 2010. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography was in force in 141 countries and most others had already ratified legal obligations to fight the sexual exploitation of children.

39. The past year had been crucial for the follow-up to the Secretary-General's study on violence against children. In her activities around the world she had witnessed a widely shared commitment to strengthening children's protection from violence. Significant efforts had been made to raise awareness about violence against children and to place it high in the public debate and the policy agenda. Regional strategies and national legislation were also being created to that end.

40. However, millions of children still suffered unacceptable levels of violence in all settings, including school and the home, and younger children were at special risk. Violence could leave lifelong trauma and lead to aggressive behaviour. At a West African Youth Forum on Violence against Children held in Ghana in September 2010, young people from 15 countries reported widespread violence — including ill-treatment and sexual abuse — and a lack of information on how to seek assistance and a sense of powerlessness. Despite that, children played a key role in raising awareness, inter alia through school debates, radio programmes, street drama, cartoons and social media.

41. Recognizing the serious challenges in counselling, reporting and complaint mechanisms for violence against children, the Human Rights Council had asked her for a report, which she was jointly preparing with the Special Rapporteur on the sale of children, child prostitution and child pornography. An expert consultation in Geneva in October 2010 had concluded that child-sensitive mechanisms were urgently needed and should be set up in all countries by 2013, that they should be accessible, legitimate and effective and that their success greatly depended on the trust they generated among children themselves.

42. Her current priorities were national agendas on violence against children, sound data and research and

legislation to prohibit all forms of violence against children. Twenty-nine countries had introduced such legislation, although violence was still used against too many children in education systems and care institutions.

43. A world without violence could be achieved, and she looked forward to moving the process steadily forward.

44. **Ms. Razzouk** (United States of America) said that her delegation was alarmed by the continuing reports of children being raped, killed, forced into armed conflict, sold into slavery and exploited through labour. Protecting children's rights was the responsibility of all, and in that sense, the United States Government was working as an advocate in partnership with a range of non-governmental organizations and national agencies. She requested more details on the work of the Inter-Agency Working Group on Violence against Children. She also wished to know if there were any new efforts to integrate the various initiatives of United Nations agencies to address violence against children, including initiatives led by UNICEF and the International Labour Organization (ILO).

45. **Mr. Vigny** (Switzerland) said that strengthening key partnerships both within and outside the United Nations system was key to obtaining tangible results on the issue. While the Special Representative's report had recognized the successful outcomes of cooperation, he wished to know what had been the challenges and lessons learned in consolidating partnerships, particularly in work with teachers, media, parents and children themselves. He would also appreciate guidance on the best way to adopt an holistic approach to using national data-collection systems on violence against children, in particular using information from diverse sectors.

46. **Mr. Rastam** (Malaysia) said that the issue of violence against children required long-term attention, especially in terms of legislative processes. The Government of Malaysia was working to adhere to all principles of the Convention on the Rights of the Child. For example, a recent amendment to its Child Act had proposed replacing corporal punishment with community service for certain sentences. While developing national strategies and improving data collection were important strategies to address violence against children, he recalled the important role

socio-economic factors played as well, including the quality of home life and economic opportunities for parents. He asked how the United Nations system addressed such factors and whether the Special Representative felt her mandate sufficiently allowed her to tackle those issues.

47. **Mr. Giaufret** (European Union) said that preventing violence against children was high on the policy agenda of the European Union. The Union fully supported the recommendations of the Special Representative in follow-up to the findings of the United Nations study on violence against children (A/61/299). He asked what practical actions States could take to develop child-sensitive counselling, complaint and reporting mechanisms, as had been recommended by the Human Rights Council (A/HRC/RES/13/2). He also wondered how the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016 — the outcome document of The Hague Global Child Labour Conference 2010 — was relevant to advancing the protection of children from violence; how follow-up on the Roadmap was envisaged; and what priority steps Member States should take to fulfil the goals of the Roadmap.

48. **Ms. Brichta** (Brazil) said that Brazil had strongly supported establishing the mandate of the Special Representative. Her delegation commended the Special Representative's approach, which promoted the development of national strategies and strengthening of key partnerships, including with ILO. The Brazilian Constitution included a comprehensive ban against all forms of violence against children, which was supported through the national legal system. Furthermore, the President had submitted draft legislation specifically to penalize all forms of corporal violence committed against children and adolescents. The draft law was not intended to impinge on parents' right to educate their children but to encourage them to apply non-violent means of education and discipline. In that regard, she asked the Special Representative for recommendations, based on the experience of other States, on how to address resistance to the implementation of similar laws, including on the part of concerned families.

49. **Mr. Hjelde** (Norway) said that his delegation supported the Special Representative's recommendations that each State should develop a comprehensive strategy on violence against children, enact a national legal ban on all forms of violence and consolidate data

and research in the field. He welcomed her cooperation with the Committee on the Rights of the Child, and encouraged the continued inclusion of a section on the Committee's work with the Special Representative in all of its concluding observations to Member States. The Government of Norway recognized the need for long-term support for the Special Representative's mandate and had itself provided more than \$500 million in funding. He encouraged other Member States to offer similar support, and asked the Special Representative how she was working to ensure sufficient funding to pursue her role effectively.

50. **Ms. Astiasarán Arias** (Cuba) requested more information on projects being conducted in various countries to prevent violence against children, both by national agencies and in coordination with United Nations mechanisms.

51. **Ms. Sapag** (Chile) said that her delegation wished to draw attention to the issues of violence against girls and bullying in schools. Sexual violence must be addressed as a problem that had a particular impact on girls, as it had long-term effects on their schooling and their adult life. Efforts in that sense should include investment in gender-sensitive education with a view to preventing sexual violence. While recognizing that the Special Representative had made some reference to the issue of violence in schools, her delegation requested her to promote the issue of safe schools in her work. Chile had been introducing language on the issue into the comprehensive resolution during the past four years, yet there had been little progress. She asked the Special Representative how she planned to address bullying in the exercise of her mandate. She further recommended that mediation processes for resolving violence in schools should include gender-sensitive provisions and safeguards for the victim.

52. **Mr. Vimal** (India) asked for clarification of the mandate of the Human Rights Council with regard to establishing a complaint mechanism for reporting on violence against children and whether that mandate was distinct from the ongoing discussions on the Optional Protocol to the Convention. He would also appreciate more details on the Special Representative's work in progress on such complaint mechanisms.

53. **Mr. Zeidan** (Observer for Palestine) said that Palestinian children had been suffering under the occupation of Israel for over 40 years, facing death,

injury and the destruction of their schools and homes as a result of bombing and the use of white phosphorus. He asked the Special Representative why children living under occupation had not been included in her reports. He hoped to see a change in that policy so that crimes against children would not continue to go unpunished.

54. **Ms. Santos Pais** (Special Representative of the Secretary-General on Violence against Children) said that relaunching the agenda on violence against children had created a process that was in an initial stage. Regarding coordination efforts, she said that her mandate had been defined by Member States as providing global independent advocacy on issues of violence against children. The role of her Office was not to replace existing institutions, but rather to build on initiatives and bridge the efforts of all actors, including the United Nations system, Governments, civil society and children themselves. Her first level of cooperation was with partners within the United Nations system, which included child rights experts, the Committee on the Rights of the Child and relevant agencies. The Inter-Agency Working Group on Violence against Children, which she chaired, was a forum to define policy and strategy, exchange information and identify areas where progress was possible. Four core agencies sat on the Group: UNICEF, the Office of the High Commissioner for Human Rights (OHCHR), ILO and the World Health Organization (WHO). UNICEF identified prevention of violence as a key priority in its child protection strategy. Given that it was a decentralized organization, it was important to work together with UNICEF at the country level on issues such as legislation reform, support for child protection systems and consideration of social norms. UNICEF was also active in the fight against child labour, which made collaboration with the International Labour Organization important, in particular in the implementation of its International Programme on the Elimination of Child Labour.

55. The Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016 was a promising plan that had already seen some success. The Roadmap shared common commitments with other instruments on children's rights and set out many of the same priorities as the Special Representative's own mandate, including achieving the universal ratification of the Convention on the Rights of the Child, its Optional Protocols and ILO instruments; enacting

appropriate legislation; and improving data collection. That common foundation greatly facilitated collaboration. Follow-up to the Roadmap would depend greatly on the national leadership of Governments in ratifying international standards and improving their laws and research. The Roadmap called for the establishment of a high-level group that would advocate for the major priorities it had set out, and she intended to support fully the creation of that group.

56. The lessons learned from partnerships were not applied automatically. Daily action was required to identify common goals and objectives. The promotion of research was a concrete area for cooperation, as UNICEF, WHO, ILO and OHCHR all collected data that was critical to the question of children's rights. It was often forgotten that collective action was required to link the health, education, justice and social protection sectors to provide for the best interests of children, and she encouraged Member States to share their experiences in that regard.

57. Violence prevention efforts needed to address root causes. Poor people were not particularly violent; it was the lack of access to social services that perpetuated conditions leading to violence. The focus on early childhood was thus critical as a way to overcome exclusion and marginalization.

58. Schools could be the best environments for teaching tolerance and mutual respect, but could just as easily be a place where children could be violent and suffer violence. In many countries, up to 65 per cent of children endured bullying, sometimes leading to suicide and dramatic mental health problems. Very little data was available on the issue and better research was required on the factors that influenced bullying and how that type of violence affected children of different genders, ages and social groups. Victims also needed to participate in solutions to show the trigger factors for bullying and improve prevention.

59. The recent expert consultation on child-sensitive counselling, reporting and complaint mechanisms had been the first step to developing the report that the Human Rights Council had requested from her and the Special Rapporteur on the sale of children, child prostitution and child pornography. Contributions from Member States were welcome, and she looked forward to their submissions to the process, as well as those of civil society and other partners. The initial discussion

had yielded the conclusion that while there were generally a wide variety of domestic mechanisms available to child victims to report violence, they were fragmented and did not exist within a robust child protection system. Children often did not know who to go to or were revictimized through a lack of confidentiality and by having to retell their stories to different agencies. The challenge was to bring together all of the various measures countries had undertaken while keeping a holistic focus that placed the child at its centre. Child protection systems did not exist in most countries, which was why the outcome document of the World Congress III against Sexual Exploitation of Children and Adolescents had set the urgent deadline of 2013 for Governments to establish effective reporting mechanisms. Her follow-up on that issue would include ensuring that the legislation of all countries defined the roles and responsibilities of those mechanisms and raising awareness of the need to sensitize staff to provide confidential services to children. That initiative to establish reporting mechanisms was distinct from the initiative of the Human Rights Council to draft a new Optional Protocol to the Convention based on a system for individual complaints. However, the two efforts were related in that international complaint systems were difficult to access if a national system for reporting did not exist.

60. Legislation communicated what was socially acceptable. A law preventing all forms of violence against children promoted social mobilization and discussion of the issue. Countries that had enacted such a law had gone through a process of questioning traditional practices and norms via public debate. As the representative of Brazil had noted, those legislative processes were not an attempt to punish families for practising corporal punishment, but rather served as a means of providing better models of tolerance and non-violent means and creating a bigger change in society.

61. Cooperation with the Committee on the Rights of the Child was critical to her mandate. That mutually supportive work included the development of thematic debates and general comments. Member States had approved funding for mandates through voluntary contributions and a review of her Office in 2012 would include sources of funding. In times of crisis, it was tempting to delay progress on some issues. However, investing in the prevention of violence reduced the

social costs of finding remedies for victims. While some Governments had made contributions in support of her Office, they only made up an initial part of the budget required for it to act as an independent advocate, and she counted on other Member States for further support.

62. *Ms. Melon (Vice Chair) took the chair.*

63. **Ms. Caleinari Van der Velde** (Bolivarian Republic of Venezuela) requested further information on contributions made to the voluntary trust account established to support the Special Representative's mandate and asked about the criteria employed for disbursing financial contributions. She also requested further information about setting priorities and formulating policy.

64. **Ms. Santos Pais** (Special Representative of the Secretary-General on Violence against Children) said that financial contributions received would be earmarked for the priorities identified in her report. Nine Governments had already contributed to her mandate, which had, moreover, been expanded to include the establishment of a foundation to protect very young children. Responding to the earlier question raised by the observer for Palestine, she said that reference had, indeed, been made in her report to children under occupation. With the exception of incidences of violence which fell within the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict, all violence against children would be addressed by her mandate. She commended steps taken by Palestine towards the adoption of a new law on children that would reaffirm the importance of protecting children from violence.

65. **Ms. Lee** (Chairperson, Committee on the Rights of the Child), introducing the Report of the Committee on the Rights of the Child (A/65/41), said that the additional resources approved by the General Assembly had enabled the Committee on the Rights of the Child to address the backlog of State party reports pending review. Fifty-two reports had been considered in 2010, up from 30 reports in 2009. The current backlog was largely a temporary challenge related to the submission of reports under the two Optional Protocols. State parties were urged to pay due attention to the challenges the treaty body system faced as a result of that backlog and were invited to consider the potential impact on the system if significant additional resources were not forthcoming.

66. As of 6 October 2010, there were 141 States parties to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and 139 States parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Such wide ratification reflected States parties' commitment to combating the abhorrent crimes they covered.

67. A universal ratification campaign had been launched on 25 May 2010, the tenth anniversary of the adoption of the Optional Protocols. That campaign aimed to achieve universal ratification of those Protocols by 2012, raise awareness of States' obligation to ensure that national legislation was in compliance with those Protocols and ensure that the crimes covered by them were specifically criminalized. The campaign also underscored the need to provide victims with adequate measures for their physical and psychological recovery and social integration.

68. Neither Somalia nor the United States of America had yet ratified the Convention on the Rights of the Child, and were strongly urged to do so.

69. The ongoing formulation of a third Optional Protocol to the Convention on the Rights of the Child was an exciting and positive development. An Optional Protocol establishing a communications procedure would constitute an important shift towards the recognition of children as rights-holders. It was hoped that the final text of that Protocol would be approved by the Human Rights Council and the General Assembly in 2011.

70. Further collaboration was required between treaty bodies. In that regard, the Committee had collaborated with the Committee on the Elimination of Discrimination against Women to develop a general comment on harmful traditional practices.

71. All treaty bodies experienced the inadequacy of the United Nations Conference Services in their ability to provide documentation in all working languages. That undermined the treaty bodies' work and undoubtedly challenged States parties' efforts to comply with the implementation of the relevant treaties.

72. Realizing the Millennium Development Goals was a first step towards meeting broader human rights treaty obligations. Moreover, adherence to international

human right standards, including to the principles of non-discrimination, meaningful participation and accountability, could accelerate progress towards achievement of those Goals. That was of particular importance in realizing the Goals of reduced child mortality and universal primary education. However, realization of human rights for all went beyond the achievement of quantified targets. United Nations agencies must coordinate their efforts and jointly assess progress and remaining obstacles.

73. The Convention on the Rights of the Child should, moreover, be considered one of the principal normative and legal instruments for measuring accountability and progress towards implementation of the Secretary-General's global Strategy for Women's and Children's Health as well as achievement of the Millennium Development Goals in the most equitable manner possible.

74. *Mr. Tommo Monthe (Cameroon) resumed the Chair.*

75. **Ms. M'jid Maalla** (Special Rapporteur on the sale of children, child prostitution and child pornography), introducing her report (A/65/221), said that she would focus on part II, highlighting the need for a better understanding of the nature of the abuse and of the requisite protection, and making specific recommendations for more effective implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Thanks to previous studies and analyses, more data were now available on the long-term trends and on the types of sale and sexual exploitation of children outlined in paragraph 15 of the report. The actual extent, however, of the various forms of the sale — especially sale for illegal adoption or for organ transfers — and of sexual exploitation of children remained difficult to assess, in part because of inadequate information systems, the small number of reports and complaints and the clandestine nature of the offences.

76. The factors that made children vulnerable to sale and sexual exploitation were multifaceted and complex — ranging from poverty to certain social standards, the particular vulnerability of families, communities and certain children, the availability of the Internet, the growing demand, the involvement of organized crime, the effects of HIV/AIDS and humanitarian crises.

77. As part of the efforts to prevent and combat the sale and sexual exploitation of children, there had been a steady increase in the number of ratifications of the Optional Protocol, a valuable tool for protecting children and ending offender impunity. Also, much more had been done to implement the provisions of the Optional Protocol, by States, the public and private sectors, and NGOs and agencies working in the field.

78. However, many challenges remained as well: some national legislation did not clearly define or criminalize all forms of sexual exploitation of children; access without discrimination to police protection and the justice system or to confidentiality could not always be ensured; impunity and corruption were rampant; there was insufficient familiarity with the rights of children and the laws protecting them.

79. Many countries did not yet have an effective and accessible system for reporting, follow-up and support for child victims on a confidential basis. National strategies for the protection of children had been developed but the national protection services had to be improved or replaced if all child victims of sexual exploitation and their families were to receive the economic, psychological and social care needed for full rehabilitation, reintegration and follow-up. Sectoral coordination mechanisms could use improvement, and the geographical outreach of protection policies should guarantee access to children living in rural and remote zones.

80. Preventive action did not take sufficiently into account the complexity of the abuse. There was the problem of reconciling certain social norms that sanctioned its persistence with national legislation and international standards, and a failure to apply endogenous protection practices available within communities.

81. Children should be more systematically allowed to participate throughout the process of developing, implementing and monitoring child protection strategies and policies, for children were not only victims, they were also part of the solution.

82. Existing transnational actions, including cooperation among police forces, should be expanded to include regional and international exchange of information and expertise, and the provision of technical and financial support to the developing countries, particularly because — owing to the development of information technologies, trafficking

networks, tourism and migration — the sale and sexual exploitation of children transcended national boundaries.

83. With respect to corporate social responsibility, a large number of businesses had adopted codes of conduct or information and awareness programmes. Some States had adopted legislation on the accountability of Internet access providers, telecommunications companies and banks, and such initiatives should be encouraged and applied as a matter of course. In short, the mechanisms for the promotion and protection of children's rights should be strengthened where they were in place and put in place where they were not.

84. The last section of the report made a number of recommendations. A different approach had to be found: a comprehensive, integrated and cross-cutting child protection strategy in the best interests of the child, based on the protection of child victims, the prosecution of those guilty of crimes, prevention and the participation of children. Integrated, effective protection systems, including community services and social services, easily accessible to child victims or children at risk could then be set up.

85. **Mr. Olukanni** (Nigeria) noted that the Internet had facilitated the perpetration of crimes against children and that young people used Internet cafes to access “shocking” websites. He asked how and why people found child pornography attractive and how the problem of sexual exploitation could be addressed in school curricula.

86. **Ms. Razzouk** (United States of America) asked what could be done to encourage Governments to deepen their engagement with businesses in order to encourage companies to adopt business practices that reduced risks to children.

87. **Mr. Giaufret** (European Union) asked if there were any specific actions that should be taken within the framework of the campaign to achieve universal ratification of the Optional Protocol on the sale of children, child prostitution and child pornography, and asked if the Special Rapporteur could suggest ways to promote the universal registration of children at birth with a view to reducing children's vulnerability to sexual exploitation.

88. **Mr. De León Huerta** (Mexico) asked what initiatives were being implemented under the Special

Rapporteur's mandate to foster engagement with the private sector and promote self-regulation so that businesses became key actors in efforts to protect children.

89. **Ms. Astiasaran Arias** (Cuba) requested further information about the link between poverty and child exploitation and asked what specific initiatives had been proposed to combat the sale and abuse of children and child prostitution in developed and developing countries.

90. **Ms. M'jid Maalla** (Special Rapporteur on the sale of children, child prostitution and child pornography) said that, although children were educated at school, they were also educated through their interactions with friends, family and others. However, schools had an important role to play in raising children's awareness of sexual exploitation and other dangers and could also warn them about the danger of being solicited for sex. It was important to note that, because children often mastered the use of new technologies quickly, they could, in turn, educate other children about such dangers.

91. Demand for child pornography was a complex question. Current trends showed a rise in the incidence of occasional consumers accessing child pornography. The private sector and tax authorities must act to address what was an extremely lucrative industry, focusing on both supply and demand within that industry. The private sector, including, inter alia, telecommunication companies, Internet providers, banks, the media and travel companies could play a very prominent role in that regard and companies that took steps to protect children should be singled out for praise. Efforts by the European Union to formulate a directive on that issue were to be commended. Efforts were under way by many actors, including NGOs, to achieve universal ratification of the Optional Protocols. Universal registration of children was indeed most important in order to reduce their vulnerability. In the light of the link between poverty and exploitation, it was vital to ensure that all children had access to basic socio-economic services and, above all, to integrate steps to protect children into national anti-poverty and development policies.

The meeting rose at 6.15 p.m.