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SUMMARY RECORD OF THE 39th MEETING

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on Tuesday, 6 April 2004, at 3 p.m.

Chairperson: Mr. GONZALEZ-SANZ (Costa Rica) (Vice-Chairperson)

CONTENTS

RIGHTS OF THE CHILD

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The meeting was called to order at 3 p.m.

RIGHTS OF THE CHILD (agenda item 13) (E/CN.4/2004/9 and Add.1,2, 67, 68, 69, 70; E/CN.4/2004/NGO/4, 74, 81, 85, 96, 105, 136, 147, 241; E/CN.4/Sub.2/2003/26)

1. Mr. PETIT (Special Rapporteur on the sale of children, child prostitution and child pornography) introduced the three reports which he had prepared in accordance with his terms of reference. The first, a general one (E/CN.4/2004/9), described the policies adopted to combat trafficking in and sexual exploitation of children and, in particular, the innovative and catalytic programmes that had been established to that end. The other two reports described his visits to France (E/CN.4/2004/9/Add.1) and Brazil (E/CN.4/2004/9/Add.2).

2. In introducing his report to the Commission, he was tempted to wonder whether the day would finally come when people regarded others as their fellow human beings. Unfortunately, no one had the answer to that question. He would therefore continue to work in the belief that every human being was the ambassador of all mankind and, since his mission was to defend the rights of the child, that every child was the ambassador of all the world's children. Defending children's rights meant, first of all, reaffirming the importance of democracy. In his view, only democratic systems and free societies could bring about social justice and ensure that human rights were respected.

3. His general report on preventing the sexual exploitation of children was based on information received from Governments, international organizations and non-governmental organizations in reply to a questionnaire sent in July 2003. Thirty-one Governments had replied to the questionnaire. Through the information supplied by international and non-governmental organizations, he had been able to gather information on 52 countries. He wished warmly to thank all those who had replied to his questionnaire. The 62 cases referred to in the report relating to prevention of the commercial sexual exploitation of children were all replies to those who wondered what could be done to halt that scourge.

4. The information gathered during his visit to France from 25 to 29 November 2002 had shown the link between the production of pornographic material involving children and the sexual abuse committed in families, especially families in crisis. Several mothers had condemned the existence of child pornography networks and indicated various shortcomings in the administration of justice concerning the care of children in cases of separation, some of which might be linked to those networks. He had notified the French Government of a number of individual cases, and it had responded. During his visit he had met representatives of the law and the police, academics, parliamentarians and members of social organizations. He had expressed his concerns regarding the risks run by persons, especially doctors, who testified on behalf of children alleged to be victims of sexual abuse. He was therefore gratified to note that the French Government had on 2 January 2004 adopted Law No. 2004-1 stipulating that paediatricians and psychiatrists who reported cases of maltreatment could not be subjected to disciplinary measures.

5. He had visited Brazil from 3 to 14 November 2003. He wished to thank the Brazilian authorities for their excellent cooperation and to welcome the mobilization of Brazilian society to promote the protection of children. That mobilization did not solve all problems but it did make progress possible, especially in the context of the poverty and social inequality facing Brazil.

6. President Lula da Silva had made the fight against child sexual exploitation his Government's priority. Brazil had given itself an appropriate legislative framework by adopting the Statute for the Child and Adolescent. It now remained to adopt the necessary policies to combat inequalities, discrimination on any grounds, violence and impunity. There were some positive signs in the area of ending impunity, but the reform and modernization of the police and the judiciary remained a necessity that could not be avoided.

7. In many remote areas where the State did not exist and the law of the strongest prevailed, it was essential for the citizenry to recover their rights, and the citizenry comprised the State, civil society and democracy. Many initiatives had been taken in some quarters in this respect to save children, especially young girls who, because of poverty, had become the target of traffickers and pimps.

8. He had visited Paraguay from 23 February to 5 March 2005. The report of the visit would be introduced at the next session of the commission. He nevertheless wished already to stress the excellent cooperation he had received from the Paraguayan Government and the United Nations team in Paraguay, especially UNICEF.

9. Lastly, he recalled that the Commission was contemplating the establishment of a new mandate relating to trafficking in persons. As the Special Rapporteur on the sale of children, child prostitution and child pornography, he was bound to join all those who regarded trafficking in persons as a scourge that must be confronted with determination. Special rapporteurs, in particular the Special Rapporteur on the human rights of migrants, the Special Rapporteur on violence against women and he himself, were already working on that task. If, however, the Commission decided to establish a new mandate, he undertook to cooperate fully with the new machinery. He recommended the adoption of a broad definition of human trafficking in the spirit of the Palermo Protocol so that the new mandate would not relate exclusively to trafficking in women and girls for purposes of sexual exploitation.

10. Mr. MIRANDA (Brazil), speaking as the representative of a country that was the subject of one of the Special Rapporteur's reports, said that Brazil, in addition to being a signatory to the ILO Convention on the Worst Forms of Child Labour since 2000, had in that year adopted a National Plan to Fight Sexual Violence against Children and Adolescents aimed at mobilizing all social organizations to pursue that priority goal of President Lula's Government. The Plan was to be implemented by an Inter-sectoral Commission to Fight Sexual Violence against Children and Adolescents whose task was, inter alia, to protect children and adolescents against sexual abuse, make the guilty parties face up to their responsibilities, supervise the personal training of persons designated to assist victims and analyse legislative changes to be made.

11. One of the Government's initiatives had been the publication the previous year of a "Teacher's Guide" for the identification of signs of abuse and sexual exploitation of children and adolescents.

12. At the municipal level, the Government had strengthened the Sentinel programme. It consisted in establishing guidance centres in municipalities to provide medical, psychological and educational assistance for victims of sexual abuse and to place them in foster families.

13. In June 2003, the National Congress had set up a Parliamentary Joint Commission for the Investigation of Violence and Sexual Exploitation of Children and Adolescents. Its task was not only to investigate the networks responsible for such exploitation, but also to mobilize society

against that kind of violation of human rights. During the Special Rapporteur's visit the Brazilian Parliament had, on 12 November 2003, adopted a new federal law giving a more detailed definition of child pornography crimes, including those committed over the Internet, and increased the penalties for their perpetrators. Lastly, in early 2005, Brazil had ratified 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 that Convention on children in armed conflict. It was also preparing to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

14. Lastly, the Brazilian Government would shortly transmit to the Special Rapporteur its comments on each of the 15 recommendations he had made. In particular, it had set up a hotline, expanded the Sentinel programme and improved the "integrated actions" programme to coordinate the work of institutions combating violence against children and young people.

15. Mr. KELLER (France) welcomed the fruitful cooperation that had been established between the Special Rapporteur and the French authorities. He thanked him for his report, on which he wished to make some comments.

16. A new system had been set up in France to provide greater protection for minors placed in a holding area. A decree of 2 September 2003 had entered into force, providing for the immediate appointment of a legal representative to help a minor kept in a holding area and to represent him in any administrative or court proceedings involving him. That official had a general mandate to help the minor, to whom he sent all necessary information on his current situation and the protection to which he was entitled, at the same time providing him with moral support.

17. In cases where sexual abuse was alleged, a minor capable of discernment could appear in civil proceedings before a judge or a person appointed by him. However, judges of course had the option of themselves holding any other hearings that might be necessary and arranging for any supplementary investigations needed.

18. So far as the protection of doctors and health professionals who reported sexual abuse of children was concerned, article 226 (14) of the Penal Code promulgated by the law of 17 January 2002 specified that no disciplinary action could be taken because a doctor had reported abuse to the competent authorities.

19. Regarding the application of the "principle of precaution" to court cases in which allegations of abuse of children were made, urgent measures could be taken at any time to protect children without waiting for the outcome of the judicial inquiry. The judge could decide that visiting rights would be negotiated at a neutral venue and, in urgent cases, a family judge could suspend or alter the visiting or accommodation rights of the accused parent, or even withdraw his right to exercise parental authority if the interest of the child so required.

20. Lastly, he wished to inform the Commission that a working group had been set up within the French National Human Rights Advisory Commission to prepare a study on the recommendations contained in the Special Rapporteur's report. That initiative was evidence of the interest which France had in the report and its desire to follow it up as fully as possible.

21. The CHAIRPERSON invited speakers to put questions to the Special Rapporteur.

22. Mr. VIGNY (Observer for Switzerland) assured the Special Rapporteur of Switzerland's support for his mandate and said he would like to know the special Rapporteur's position on the proposal that had been made in the Commission to establish a new mandate on trafficking in women and girls. In that connection he noted the suggestion of Mrs. Ertürk, the Special Rapporteur on violence against women that the special rapporteurs whose mandate included problems of trafficking should first be asked to submit a joint report on the issue. The Swiss delegation had taken note of the Special Rapporteur's position that the mandate, if created, should relate to trafficking in all persons and not just trafficking in women and girls for purposes of sexual exploitation.

23. Mr. LEON GONZALEZ (Cuba) said that his country was aware of the seriousness of the issue under consideration. That was in fact why Cuba had replied immediately to the Special Rapporteur's questionnaire. After reading out paragraph 24 of the Special Rapporteur's report, which stated that "Trafficking and sexual exploitation are symptoms of a social problem, mainly the vulnerability in which too many people are trapped, lacking the material and educational tools to live in dignity", he asked what had led the Special Rapporteur to make that statement.

24. Ms. KEENAN (Ireland) asked, firstly, whether the Special Rapporteur thought that national laws on sexual tourism that established extra-territorial jurisdictions could contribute significantly to combating child sexual exploitation. Secondly, she asked whether, among the programmes and policies he had described, he had been able to identify good practices which should be mentioned.

25. Mr. CERDA (Argentina) asked whether the increase in the membership of the Committee on the Rights of the Child, leading to better regional representation, had had any impact on the Special Rapporteur's work.

26. Mr. PETIT (Special Rapporteur), replying to the question asked by the observer for Switzerland, said he believed that the proposal to create a new procedure should be examined very carefully, if only to prevent overlapping. In his view, the important things were coordination and good dissemination of existing studies. He was, however, completely ready to cooperate with anyone given the new mandate. That person would in any event have to limit the scope of his or her study to a specific geographical area.

27. In reply to the question put by the representative of Cuba, he stressed that there were a great many factors involved in the phenomenon of abuse and sexual exploitation of children. They included, firstly, social factors such as poverty, deprivation, etc., which created conditions of vulnerability. There was also the lack of information, which made children and young people easy prey for those who painted an enticing picture of financial gain or a better future. In that connection, he again stressed the importance of democratic systems. Each individual could become fully aware of his or her rights only in a democratic framework.

28. The comment made by the representative of Ireland was very relevant. Clearly, some cases of child sexual abuse offences were transnational in nature and extra-territorial jurisdictions played a positive role in that respect. However, he was unable to reply to the Argentinian representative's question, as he had not had an opportunity to think about it.

29. Mr. PINEIRO (Independent Expert leading the Secretary-General's study on violence against children) recalled that, following a decision of the General Assembly, the Commission on Human Rights had suggested that the Secretary-General should appoint an independent expert to

direct a study on the question of violence against children, in collaboration with the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO). He had been appointed by the Secretary-General to carry out that task.

30. Since his appointment, he had prepared a concept paper which was contained in the annex to his progress report (E/CN.4/2004/68). His intention was to provide an in-depth global picture of violence against children, documenting the magnitude, incidence and consequences of various forms of violence, and to set out clear recommendations for the improvement of legislation, policies and programmes to combat such violence. The focus of the study would be on children as victims, although some attention would be paid to children as perpetrators of violence against other children. It would seek to provide a better understanding of the nature, extent, causes and consequences of various forms of violence against children, emphasizing the settings in which it took place. Special attention would be paid to violence against children in the family and the community, including schools, care and residential institutions and detention centres, and in the administration of justice. The situation of children in armed conflict would not be included in the study, as it had been fully addressed in the Machel study; however, some related issues, such as violence against child asylum-seekers, would be discussed. Particular attention would be paid to the impact of discrimination on children. The vulnerability of specific groups of children would also be studied.

31. The study would be intended to lead to comprehensive reviews of the situation in as many States as possible. In August 2003 he had chaired an expert group meeting which had developed a questionnaire for Governments designed to obtain information for the study. Replies to the questionnaire, which had been circulated recently, would be key in providing a clear country-by-country picture of violence against children. He urged Governments to respond to the questionnaire. In particular, he encouraged them to provide examples of good practices and innovative approaches to violence against children so that positive experiences could be broadly disseminated. Any obstacles encountered should also be documented.

32. In conducting the study, he would collaborate with human rights organs and bodies and regional mechanisms such as the Inter-American Commission on Human Rights. He would naturally rely on the expertise of OHCHR, UNICEF and WHO, as well as that of United Nations agencies in general. National human rights institutions, including ombudsmen and commissioners for children, would be encouraged to provide information and share their expertise. Regional, subregional and national consultations would be an integral part of the study. He had already attended the UNICEF Latin American and Caribbean countries Regional Meeting, which had been held at Buenos Aires from 29 March to 2 April 2004. Preparations for regional consultations in Europe and Asia were also under way.

33. By agreement with OHCHR, UNICEF and WHO, the lead bodies in the study, a small secretariat would be established in Geneva to support his work. Ms. Amaya Gillespie had been appointed director of the secretariat, and staff recruitment had begun. However, as no provision had been made in the regular budget for the study, the secretariat and the other aspects of the study would be financed through voluntary contributions. He would therefore urge the Commission to call on all States to provide the resources needed for the study.

34. Ms. WHELAN (Ireland, speaking on behalf of the European Union) said that nearly two years had passed since the General Assembly, at its Special Session on Children, had reaffirmed

the obligation to create a “world fit for children”. The Commission had the legal instruments to achieve that aim – the Convention on the Rights of Child and its Optional Protocols. The European Union believed that the Convention should become a truly universal instrument and urged States that had not yet done so to sign and ratify its Optional Protocols. It also urged States to withdraw or limit the scope of any reservations they had made to the Convention and in any event to consider whether they were well founded.

35. The European Union greatly appreciated the work of the Committee on the Rights of the Child, especially its important role, in the framework of its General Discussion Days, of raising awareness of the critical problems affecting realization of the rights of the child. All aspects of the realization of the rights of the child were of importance to the Union, as evidenced by the resolution it would be submitting together with the Group of Latin American countries. Two issues, however, were of particular concern: the situation of children affected by armed conflict and that of children affected by HIV/AIDS.

36. The European Union, aware of the extremely harsh impact of armed conflict on children and the need to protect especially girls in such conflict, urged members of the Commission to reflect and build on Security Council Resolution 1460 of 30 January 2003 on that issue and to speed up the ratification of the Rome Statute of the International Criminal Court, in which the conscription or enrolment of children under the age of 15 in international or non-international hostilities was designated a war crime. It also reiterated the need to put an end to impunity for those who perpetrated crimes against children.

37. The European Union welcomed the report (E/CN.4/2004/70) submitted to the present session of the Commission by the Special Representative of the Secretary-General for children and armed conflict. It looked forward to the Secretary-General’s comprehensive assessment of the scope and effectiveness of measures taken by United Nations bodies, including recommendations for strengthening, mainstreaming, integrating and sustaining activities in relation to children affected by armed conflict. The European Union’s commitment on the issue had been underlined by the adoption on 8 December 2003 of its Guidelines on Children and Armed Conflict. It intended to take a number of measures to implement those Guidelines, in particular to strengthen respect for international human rights standards and international law, so as to protect children from the effects of armed conflict and to end the use of children by armed groups. Those measures would include monitoring, reporting and developing technical cooperation programmes for the disarmament, demobilization and rehabilitation of children and their reintegration into civilian life.

38. Armed conflict increased the risks of children and young people contracting HIV. Sexual exploitation was another factor contributing to the spread of HIV among children and young people, and the measures taken to combat such criminal exploitation must address the problem of demand. The statistics gave a clear idea of the extent of the problem: at the end of 2002, more than 3 million children under the age of 15 and almost 12 million young people between the ages of 15 and 24, or one third of all those suffering with the disease, were infected with HIV/AIDS. For the first time since the start of the epidemic, almost half those living with HIV/AIDS were women and girls. AIDS had killed more than 610,000 children in 2002, and the total number of children orphaned by the epidemic was expected to double by 2010.

39. In recognition of that tragedy, Ireland, which had held the presidency of the European Union at the time, had recently organized a Conference in Dublin on fighting HIV/AIDS in

Europe and Central Asia. The Union was also aware of the resurgence of HIV/AIDS in Western Europe, because of the existence of strains resistant to anti-retroviral therapy. The Declaration of Commitment adopted by the Dublin Conference included the following measures: ensuring that by 2005 at least 90 per cent of young men and women aged 15 to 24 were fully informed about HIV; making sure that adolescents had access to appropriate sexual health care services; strengthening the capacity of families and communities to help orphans and children infected with HIV/AIDS; and adopting policies aimed at ending the stigmatisation of children orphaned and made vulnerable by HIV/AIDS. The European Union believed that those measures could also be applied in a wider context and therefore suggested that other regions should consider organizing similar conferences to tackle those problems. The key factor in the struggle was information, as the Secretary-General had emphasized when he had spoken of the need to inform young people and give them the power to protect themselves. The other key element was the preventive work done by the health sector in cooperation with other sectors of society.

40. Mr. MEYER (Canada), speaking on behalf also of Australia and New Zealand, said that those three countries were committed to enhancing the promotion and protection of the rights of children through the mainstreaming of those rights within all activities and at all levels. With respect to the protection of children in armed conflicts, they supported efforts to strengthen monitoring, reporting and accountability and encouraged close coordination with existing initiatives. They urged States to ratify the Optional Protocol on the involvement of children in armed conflict and the Rome Statute of the International Criminal Court. Combating the sexual exploitation and abuse of children required collective action by all States, starting with action to address the problem of demand. Australia, Canada and New Zealand welcomed the entry into force of the United Nations Convention against Transnational Organized Crime and the Protocol against trafficking in persons. They also supported the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

41. The erosion of international understandings on the rights of children, especially the attempts of some member States to reinterpret the rights of the child exclusively in the context of the family, was a matter for concern. Children needed protection both inside and outside the family, and their higher interest was paramount.

42. It was to be hoped that the study on violence against children recently launched by Mr. Pinheiro would lead to effective recommendations for prevention and rehabilitation. It was essential that, in preparing their national action plans following the General Assembly's Special Session on Children, States should take into account the views of children on all issues that concerned them.

43. Canada's plan of action, entitled "A Canada Fit for Children", had been drawn up in that spirit. One of Canada's priorities was early child development. In that context, great importance attached to the Multilateral Framework on Early Learning and Child Care, in which the governments of the various Canadian states would participate.

44. New Zealand would continue to invest in the areas of health, education and youth in transition, adopt important legislative amendments to enhance child protection and increase penalties for crimes against children.

45. Australia's national plan of action was being developed in cooperation with interested parties. One of the priorities that had been identified was support for early childhood, and a

national programme had been adopted in that sphere. Various service and programmes encouraged the economic and social participation of young people and their transition to independence.

46. At the international level, concerted collective action was needed to combat poverty and discrimination, which were an impediment to realization of the rights of children. Canada would strengthen its development cooperation programmes in the areas of basic education, health and nutrition, HIV/AIDS and child protection. New Zealand was trying to improve the quality of life of boys and girls by protecting and promoting their rights and extending the choices available to them. It was committed to ensuring that the voice and rights of children were mainstreamed into all its planning for development and poverty elimination. Australia's aid programmes were based on improved governance and developing civil society, which contributed to the establishment of an environment in which child exploitation was less likely to occur.

47. Ms. MALLIKARATCHY (Sri Lanka) said that in 1998 her country had been one of the first in Asia to establish a National Child Protection Authority, which worked closely with the judiciary, the police, child protection officials, educational personnel, social services and NGOs. Sri Lanka had submitted its second periodic report to the Committee on the Rights of the Child in May 2003 and had had a very constructive dialogue with the Committee. Education in Sri Lanka was free and compulsory and gender parity in primary and secondary education was expected to be achieved by 2005: 97 per cent of children above the age of five were enrolled in schools and 82.6 per cent completed the compulsory secondary education cycle. Peace education, introduced in 1991, had particularly expanded throughout the country during the past two years as the peace process progressed.

48. In addition, laws had been introduced and strengthened to protect children against sexual exploitation. Sexual abuse of minors carried a sentence of from 5 to 20 years in prison and victims had a right to compensation. It should be noted that the signing of a cease-fire between the Government of Sri Lanka and the LTTE in February 2002 after 20 years of conflict, had enabled UNICEF to work towards the release and rehabilitation of child soldiers.

49. Ms. JANJINA (Pakistan) said that 2004 had been declared the Year of the Child in Pakistan. The rights of the child lay at the heart of the Government's priorities, in a country where almost half the population was under 18 years of age. The National Commission on Child Welfare and Development assessed the impact of constitutional, legislative and administrative provisions with a view to suggesting amendments aimed at bringing them into line with the Convention on the Rights of the Child. It was also responsible for formulating the national policy for child development.

50. Pakistan had signed the two Optional Protocols to the Convention and ratified ILO Convention No. 182 on the Elimination of the Worst Forms of Child Labour in 2001. It had promulgated the Juvenile Justice System Ordinance, which banned the death penalty for juveniles and created special courts for children, in July 2001, and the Prevention and Control of Human Trafficking Ordinance, which prescribed harsher punishments if the victims were women or children, in November 2001. In 2003 it had commissioned a study of laws that directly or indirectly affected children in order to bring those provisions into line with the Constitution and the Convention. Pakistan had presented its first, second and third periodic reports to the Committee on the Rights of the Child in 2003 and was in the process of informing all parties of the Committee's recommendations.

51. Activities in the social sector relating directly to children included the educational reform programme, aimed at bringing disadvantaged or marginalized children into the mainstream, the school feeding programme for girls, which had been launched in 29 poor districts, the programme to provide free text books and stipends for girls in grades 6 to 8 in Punjab, and the expanded immunization programme. Pakistan was determined to ensure that all children were given the best possible start in life, despite the difficulties which that entailed for a developing country.

52. Ms. NDLOVU (South Africa) said that her country attached special importance to the rights of the child because more than half the population was under 16 years of age. South Africa, conscious of the links between the recruitment of child soldiers and the proliferation of and trafficking in small arms and light weapons, welcomed the progress made in the negotiations on the Kimberley process. It was involved in various peace initiatives on the African continent, where it sought together with the United Nations to redress the plight of children in armed conflict, and she commended Mr. Olara Otunnu for the work he was doing. Noting that Palestinian children, like South African children before them in the apartheid era, were today fighting heavy weapons with stones to reclaim their rights, she called for States to go beyond rhetoric and take decisive measures to create a world of peaceful coexistence in the Middle East that was fit for all children.

53. HIV and AIDS had a huge impact on family life in South Africa. Upheavals in family structures and the increasing number of child-headed families resulting from the epidemic increased the vulnerability of children to abusive behaviour. South Africa had recently ratified the Protocol against trafficking in persons and was convinced that international instruments were appropriate measures in ensuring protection of children.

54. The future of children was not all doom and gloom. Many countries had made considerable progress towards achieving the Millennium Development Goals, and the international community should redouble its efforts to make the idea of a world fit for children a reality. South Africa, for its part, had worked tirelessly for 10 years to build a non-racist, non-sexist society where all children would live in harmony.

55. Mr. LEON GONZALEZ (Cuba) said that the situation of children in the world continued to be alarming and to show glaring inequalities between North and South. Noting that annual military expenditure in the world amounted to more than US\$ 800 billion (with the United States alone accounting for 43 per cent already in 2002, before the illegal war against Iraq), the Cuban delegation pointed out that even a tiny part of that amount could provide universal access to basic services in all third-world countries.

56. The Cuban Government and people had been working intensely for 45 years to improve the situation of boys and girls, with tangible results (such as generalized schooling for children) despite the United States blockade and its repercussions on the situation of children. Nor had children been spared over the 45 years that had elapsed since the revolution by terrorist actions organized with impunity from United States territory. The United States Government refused to cooperate with Cuba in the fight against terrorism and was unjustly keeping five young Cubans in prison.

57. Despite everything, Cuba would continue to work on behalf of children and to cooperate with other countries in a spirit of solidarity, mainly in the spheres of health and education, while denouncing the injustice suffered by peoples of the third world, especially children.

58. Mr. MENGA (Congo), speaking on behalf of the African Group, thanked the Special Representative for children and armed conflict and the Special Rapporteur on the sale of children for their reports. The rights of children continued to be violated all over the world, and the vulnerability of certain children's groups – children of refugees or minorities, children of African origin – had increased in recent years. In Africa, especially, there was a close link between those violations and poverty and underdevelopment, which made children particularly vulnerable to criminal activities such as trafficking in persons, exploitation, recruitment to armed groups, kidnapping, etc. Poverty and underdevelopment were also fertile soil for conflicts which in turn led to greater poverty, caused displacement, separation and destruction, and gave rise to sexual violence. The many problems facing Africa's children could not be resolved by invoking the responsibility of parents and the public authorities alone. The African Group urged the international community to support the efforts of African countries to ensure effective protection of the basic rights of children in Africa.

59. Ms. TOMAR (India) said that India, the country with the largest number of children in the world, had always worked to create an environment conducive to respect for the rights of the child, as evidenced in particular by its Constitution, which incorporated several principles set out in the Convention on the Rights of the Child. In the sphere of education, for example, India had adopted a law providing for free and compulsory education for children aged from 6 to 14 and had initiated a national programme to ensure universal access to elementary education. Parliament was currently considering a bill to establish a national commission for children, which would be the guardian of children's rights with powers to investigate violations of those rights *suo motu*. It was also examining the National Charter for Children, which was aimed at ensuring that children could flourish and to protect them against all forms of abuse, while strengthening the family, society and the nation. The Indian Government was also determined to eliminate all forms of child labour, the main objective being to withdraw from their place of work and send to school all children aged from 5 to 14 working in a hazardous occupation. The Department of Women and Child Development was currently finalizing the National Plan of Action for Children, with special focus on the reduction of infant, child and maternal mortality, combating child malnutrition, providing free and compulsory education for all children aged from 6 to 14 and protecting children against all forms of abuse and exploitation.

60. In general, the realization of children's rights could be accomplished only through a complementary and dynamic partnership with NGOs, social activists and grass-root field workers and, for States with limited resources, in the framework of international cooperation.

61. Mr. CHAPARRO (Paraguay) said that children under 14 years of age, many of whom belonged to poor and vulnerable sectors of society, made up more than a third of the Paraguayan population. Following the elections of April 2003 a high-level Social Bureau had been set up to coordinate efforts to resolve the various social problems.

62. During the previous year, Paraguay had ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and ILO Convention No. 138 concerning Minimum Age for Admission to Employment. In that connection, it should be noted that almost 275,000 children were working in Paraguay and that many of them were particularly vulnerable, especially street children. That was why the Government had taken a number of measures to eliminate child labour and to prevent and eliminate sexual exploitation of children and adolescents. The National Council for the Elimination of Child Labour had recently coordinated the launch of an awareness-raising

campaign entitled “Work is for adults”, a campaign conducted by MERCOSUR throughout the country.

63. The Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Petit, had visited Paraguay from 23 February to 5 March 2004 and had had fruitful discussions with officials from institutions and bodies concerned with those issues. His visit had ended with a seminar on trafficking in persons for purposes of sexual exploitation, which had been attended by the regional representative of IOM. Paraguay awaited with interest the publication of the report by the Special Rapporteur, whose visit had made it possible to raise social awareness of child exploitation. In conclusion, the Paraguayan delegation stressed the importance of States enhancing their cooperation with the Committee on the Rights of the Child and with the mechanisms and special procedures of the United Nations system.

64. Mr. LEE Kyung-ah (Republic of Korea) said that despite global efforts to protect them, millions of children continued to be abused and exploited. The international community should therefore redouble its efforts to realize the principles enshrined in the Convention on the Rights of the Child. In that context, the work of the Special Rapporteur on the sale of children and the Secretary-General’s Special Representative on children and armed conflict were greatly appreciated. Combating child sexual exploitation for commercial purposes required international, regional and national coordination. Each State should take measures appropriate to the national context. For its part, the Government of the Republic of Korea had in 2001 decided to publish, on the Internet and elsewhere, the identities of adults involved in child sexual exploitation offences, in the belief that that measure would have a deterrent effect.

65. The Republic of Korea was a strong supporter of the International Criminal Court and had ratified ILO Convention No. 182 on the Elimination of the Worst Forms of Child Labour. It was also proposing to ratify the Optional Protocol to the Convention on the Rights of the Child on children and armed conflict. In addition, it welcomed the launching of a study on violence against children. In 2001, the Government of the Republic of Korea had amended the Child Welfare Act to introduce measures against child abuse. It had also established centres for the prevention of child abuse providing services both to victims and to perpetrators of abuse. The teaching of history played a vital role in preventing violations of human rights. In that respect, the Government of the Republic of Korea sincerely hoped that the work of the Korea-Japan Joint History Research Committee, established in 2002, would enable the young people of both countries to acquire correct and true knowledge of past events.

66. Mr. BELASHOV (Ukraine) said that a Ministry of the Family, Children and Youth Affairs had recently been established in Ukraine in order better to protect the rights and interests of children, who now accounted for one-fifth of the population. Ukraine had also ratified the Optional Protocol to the Convention on the Right of the Child on the sale of children, child prostitution and child pornography.

67. Despite the many instruments and standards adopted by the international community to protect them, many children continued to be deprived of their basic rights, exploited and even killed. With regard to children and armed conflict, United Nations general statements and resolutions must lead to specific action. So far as the exploitation of women and children for sexual purposes was concerned, Ukraine had started to bring its laws into conformity with the United Nations Convention against Transnational Organized Crime and its protocols. The Penal Code provided heavy penalties for trafficking in people. Ukraine also played an active part in the

regional cooperation established to combat such practices, particularly in the framework of the GUUAM group.

68. To be effective, combating trafficking in persons must comprise not only law enforcement but also a positive approach to improve the economic and social situation of persons at risk, reduce demand in destination countries and strengthen the family cell to enable it to assume its responsibilities and ensure that children did not become an easy target for traffickers. Ukraine was therefore following a dynamic policy of assisting families, especially low-income families, families with many children and single-parent families. In addition, the President had declared 2004 the Year of the Family in Ukraine.

69. With respect to health, a programme to combat HIV/AIDS was under way and large-scale information campaigns were being conducted to raise awareness of the problem among young people. In addition, almost 2 million children were suffering the consequences of the tragic accident at Chernobyl. Measures were being taken to ensure that those children received appropriate treatment and could achieve full physical and social development.

70. Mr. EKUNDAYO ROWE (Sierra Leone) said that Sierra Leone put children first in its social and economic programmes but had unfortunately been unable to establish a fund for war victims. A commission for war-affected children had, however, been set up, a programme to educate girls in the Northern Province had been launched and a children's rights bill was being drafted.

71. The concept of "progressive realization" of economic and social rights was anathema as far as children were concerned, because it implied that they must wait for food, vaccination and the right to survive for more than two or three months after birth. In Sierra Leone, for example, a quarter of children under the age of 5 were undernourished. Moreover, hospitals were badly ill-equipped and lacking in qualified personnel. At the same time, there was concern about the right of a rebel leader to receive specialized medical care while in detention awaiting trial for the heinous crimes he had committed against innocent persons, including children.

72. Sierra Leone was praised as a model for its policy of demobilization and reintegration of child soldiers but did not have the resources to care for children who had never held a gun. Were not those children outside the mainstream at risk of one day being recruited if there was another conflict?

73. It was essential first to combat poverty. The reason why parents sent their children to work in the diamond mines was that they were living in destitution and had no other choice if they were to survive. The Government of Sierra Leone acknowledged that it was its duty to assist those children, but the principal beneficiaries of the shameful exploitation of those young boys must also help to put an end to that exploitation that was akin to slavery.

74. The Sierra Leone delegation called on all human rights defenders to give priority to children's basic rights, including the right to life, the right to food, the right to health and the right to education.

75. Mr. CERDA (Argentina), speaking on behalf of the Group of Latin American and Caribbean States, said that protection of the rights of the child enshrined in the Convention on the Rights of the Child and its two Optional Protocols were a priority for the countries which he represented.

76. The Special Rapporteur on education noted that the sharp increase throughout the world of early pregnancy among adolescents prevented the girls concerned from continuing their education and thus perpetuated the cycle of poverty. A great many children also suffered from hunger and social exclusion, making them vulnerable to violence and discrimination.

77. Combating the physical, moral and sexual violence suffered by children must be a universal objective. In that context, the international community should consider the preparation of a new instrument that would prohibit the use of violence as a means of punishment. As had been the case at the previous eight sessions of the Commission, the Group of Latin American and Caribbean States and the European Union would jointly submit a draft resolution on the rights of the child which would be a further contribution to the promotion and protection of those rights. They called upon all delegations to adopt that draft resolution by consensus, as in the past.

78. The Group of Latin American and Caribbean States hoped that the coming year would provide an opportunity to undertake an assessment of the implementation of the Convention in each country, promote its implementation, cooperate with the Independent Expert leading the Secretary-General's study on violence against children and to fulfil commitments made at the General Assembly's Special Session on Children.

79. Mr. EL HASSAN (Sudan) said that his delegation had read the comprehensive report submitted by the Secretary-General's Special Representative for Children and Armed Conflict with great interest and fully endorsed the measures recommended in it.

80. In order to render its efforts to end abductions of women and children more effective, the Sudanese Government had established a special commission, CEWAC, which had already achieved tremendous progress in eliminating that scourge. A sum of US\$ 2.3 million had recently been allocated to that commission to finance 20 provincial sub-commissions serving all the tribes affected by the problem. CEWAC had recently succeeded in gaining the release of more than 600 abducted persons. It had also started to regroup 500 other persons freed in the areas controlled by the Popular Movement in order to help them return to their families.

81. Sudan had been one of the first countries to sign the convention on the Rights of the Child. In implementation of its provisions, it had prepared a national plan of action for the development and protection of children's rights for the period 1992-2000, but for various reasons, including primarily the armed conflict which had absorbed most of the country's human and material resources, it had not been able to put the plan into effect. However, the signature of the peace agreement should create conditions conducive to strengthening children's rights and improving their situation. In that connection, the National Council for the Protection of Children had, in collaboration with social bodies, drafted a bill on children which had been approved by the Council of Ministers at the end of 2003 and would shortly be considered by the National Assembly.

82. Sudan had ratified the two Optional Protocols to the Convention on the Rights of the Child, relating to children in armed conflict and to the sale of children, child prostitution and child pornography respectively, in 2004. In addition, as part of the technical assistance and advisory services programme which Sudan had prepared with the Office of the United Nations High Commissioner for Human Rights, several seminars had been organized on various questions relating to children and young people, including the administration of justice for juveniles, children in armed conflict and harmonization of national laws with the provisions of the

Convention on the Rights of the Child. Many judges and lawyers, as well as members of the armed forces and the police, some of them in positions of responsibility, had received training in those seminars. In 2003 the Sudanese authorities had also organized, as part of the programme for the protection of the child and for building peace, a series of seminars around the demobilization of children enrolled in the armed forces, an objective which the Government and the Popular Front had agreed to include in the Peace Agreement. A joint technical commission was to be set up on the subject. Among other measures adopted mention should be made of the establishment of three care centres for street children, which had made it possible considerably to reduce their number, and the launching of a pilot project in the southern town of Juba to help orphaned children and children with AIDS and enable them to continue their studies.

83. Many public organizations were helping to carry out the protection of children guaranteed by law. They included the Institute for Law Reform and Legal Training, the Department of Human Rights, Women and Children, which formed part of the Ministry of Foreign Affairs, and the National Centre for Children's Cultural Development, which was under the aegis of the Ministry of Culture and Heritage.

84. Mr. TAIHITU (Indonesia) said that children's rights had been strengthened in Indonesia by an amendment to the Constitution and that the Millennium Declaration and the "World Fit for Children" document were framework references for the Government in the preparation of policies and programmes for children. Despite the economic crisis which had lasted since 1997, the Government had endeavoured to guarantee enjoyment of the rights of the child. The measures taken to that end were especially important in view of the fact that Indonesia had 82 million children out of a total population of more than 220 million. Indonesia had been a party to the Convention on the Rights of the Child since 1990. In addition to Law No. 23/2002 on child protection, which incorporated all the all the principles and provisions of the Convention, children's rights were protected by specific laws, including Law No. 13/2003 on labour, which prohibited child labour, especially its worst forms as specified in ILO Convention No. 182, and Law No. 20/2003 on the national education system, which reaffirmed the principles of compulsory and free education.

85. The Indonesian Government devoted special attention to combating trafficking in children and sexual exploitation of children. So far as trafficking was concerned, it had adopted a plan of action for the eradication of trafficking in persons, especially women and children, for the period 2003-2007, and established a national task force, comprising representatives of the State, NGOs, women's associations, the media and the private sector, to ensure the coordination of activities. The Indonesian Government had also adopted a national plan of action to eliminate the sexual exploitation of children for commercial purposes and set up a committee for its implementation. It had also launched a national campaign to eliminate the sexual exploitation of children in tourist destinations, especially Bali and Batam. Since trafficking in and sexual exploitation of children were an international problem, the Indonesian Government attached great importance to cooperation between countries. In May 2003 Indonesia had hosted the sixth East Asia and Pacific Ministerial Consultation on Children in Bali, which had adopted the "Bali Consensus". In June 2003, also in Bali, it had hosted the World Tourism Organization's regional consultation on the protection of children from sexual exploitation in tourism, which had adopted the Bali Proposal for Action, underlining the responsibility of tourism industries in combating the sexual exploitation of children.

86. As a party to the Convention on the Rights of the Child, the Indonesian Government was engaged in a constructive dialogue with the Committee on the Rights of the Child, to which it had recently submitted a periodic report. Several of the Committee's recommendations had already been carried out, and others were under consideration.

87. Mr. NAGGAGA (Uganda) said that human rights instruments were held in special esteem in Uganda, where children made up the majority of the population. The satisfaction of children's psychological and material needs was the best way to prepare them for the future. The Ugandan authorities had therefore put in place mechanisms and structures for the implementation of the main international and regional instruments relating to the rights of the child. In 1966, Parliament had incorporated the Convention on the Rights of the Child into national law by adopting the Children's Statute. That statute was being implemented under the National Plan of Action for Children launched in 1993 and formed part of a more comprehensive plan for the eradication of poverty. During the long years of armed conflict in the country, many children had been abducted and recruited as soldiers. Affected by that tragic situation, the Ugandan authorities today strongly condemned the recruitment of children in armed conflicts.

88. Despite Uganda's limited resources, free and compulsory primary education had been introduced in 1997. Since then, the number of children attending primary schools had tripled. The Government was also establishing primary health care programmes: it had conducted a campaign for immunization against the major diseases, promoted access to drinking water and taken preventive measures against HIV/AIDS infection. Lastly, in accordance with article 4 of the Convention on the Rights of the Child, the Ugandan authorities acknowledged the importance of international cooperation in realizing the rights of the child.

89. Mr. PEREZ ZEPEDA (Honduras) said that in Honduras poverty was the principal factor hampering the development of children, even to the extent of undermining their physical and moral integrity. Poverty affected families and, consequently, had an impact on the care and education which parents gave their children.

90. The Honduran Constitution contained provisions relating to the rights of the child. Specifically, the Honduran Government was concerned about the plight of children, as evidenced by the establishment of the Special Procurator's Office for children and the disabled, and the Standing Commission for the protection of children's physical and moral integrity. Among the programmes initiated, mention should be made of the "healthy schools" programme, which included educational and health measures and was aimed at giving schoolchildren and their parents worthy and healthy living conditions, and of community programmes based on lasting development, which were carried out in cooperation with social organizations, private development bodies and local communities. With the help of national and international assistance, the authorities had also set up care centres for children who were abandoned, orphaned, victims of violence or drug addicts. In view of the increase in juvenile delinquency, the work of those centres was accompanied by security measures and reintegration programmes.

91. Honduras had experienced a number of murders of children and adolescents in recent years. To stem that phenomenon, the President had set up the Standing Commission for the Protection of the Physical and Moral Integrity of Children; its conclusions were systematically sent by the Government to the Special Rapporteur on extra-judiciary, summary or arbitrary executions, who had visited Honduras in 2001, and to members of the Communications Group and competent international and regional organizations. The Government was determined to throw light on the

killings of children and to punish those responsible. Despite the continuing lack of security in the country, the Government's efforts to prevent acts of violence against juveniles were beginning to bear fruit. A special unit to look into violent deaths of children had enabled certain investigations to make progress. The Honduran authorities were aware of their responsibilities at the same time to prevent juvenile delinquency, ensure respect for the rights of children and adults, and bring to justice those who broke the law. They would continue their activities to that end and wished to thank the NGOs that were working closely with Honduran institutions.

92. Mr. SOBASHIMA (Japan) stressed the truly historic nature of the Convention on the Rights of the Child and described the measures taken by the Japan authorities to implement it. In June 2003, the Government had established the Headquarters for Youth Development, headed by the Prime Minister, to coordinate activities for youth and children. In December 2004 it had formulated the National Youth Development Policy. As far back as May 2000 it had promulgated the Prevention of Child Abuse Act, which placed responsibility in the matter on central and local administrations. Japan had signed the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on children in armed conflict respectively. Those instruments were now before the Diet for ratification. The Japanese authorities had also launched a number of awareness-raising campaigns. A symposium had been held at the United Nations University in Tokyo on 29 March 2004 to mark the tenth anniversary of Japan's ratification of the Convention.

93. Abroad, Japan had supported many projects to help children in need as part of the international cooperation advocated by the Convention and in the context of the promotion of human security, to which Japan attached great importance. The Japanese authorities, particularly concerned by trafficking in persons, had contributed US\$ 507,000 to UNICEF in June 2003 for a project relating to the education of girls and prevention of trafficking in girls in the Lao People's Democratic Republic, and US\$ 473,050 in February 2002 for a project to help girls subjected to trafficking in Myanmar. In the area of children in armed conflict, Japan had contributed US\$ 3,640,000 to UNICEF for a project to assist the disarmament, demobilization, rehabilitation and reintegration of child soldiers in Liberia. Also through UNICEF, Japan had helped to finance educational and health projects for children suffering trauma in Iraq and had met 65 per cent of the total cost of the campaign in Afghanistan to encourage students to return to school. Japan would continue to cooperate with the international community in the future, so that all children in the world might enjoy the full benefit of their rights.

94. Mr. ZHU Young (China) said that, despite the steady progress made since the 27th Special Session of the General Assembly on Children in May 2002, thousands of children in many parts of the world continued to lose their lives as a result of armed conflicts or disease. Thousands of children were also suffering from malnutrition, poverty, exploitation, lack of education and sexual abuse. To achieve greater protection of the rights of the child, the international community should take the best interests of the child as the primary principle for action, strengthen cooperation and take specific measures to eliminate step by step the root causes standing in the way of children's rights. In that connection, the developed countries had the responsibility and obligation to help the developing countries.

95. China's child population represented one-fifth of the world's children. China had ratified the Convention on the Rights of the Child in 1991, as well as the Convention concerning Prohibition of and Immediate Action for the Elimination of the Worst Forms of Child Labour and the Optional Protocol to the Convention on the sale of children, child prostitution and child

pornography in April and August 2002 respectively. It was now considering ratification of the Optional Protocol on children in armed conflict. The Committee on the Rights of the Child had considered China's first periodic report in 1995 and the Government had submitted its second periodic report, describing its activities over the past eight years, in May 2003.

96. In order to implement the provisions of the Convention, China had adopted various legislative and administrative measures, including the Protection of Minors Act, the Adoption Act and the Compulsory Education Act. It had established various institutions, including the Working Group on Women and Children under the aegis of the State Council. The guidelines for the development of children in the 1990s, which the Chinese Government had prepared in 1992, had been the first action plan for the promotion and protection of children's rights. The objectives set out in those had guidelines had all been achieved in 2001. In May 2001, the Government had published guidelines for children's development from 2001 to 2010. Despite the remarkable progress achieved, however, China – a populous developing country – continued to face many problems. For instance, millions of children were still living in poverty, and there was a marked difference in living standards between rural and urban areas. The Chinese Government intended to continue its efforts for children and to strengthen its cooperation with the international community in that sphere.

97. Mr. MAUTNER MARKHOF (Austria) recalled that the European Union had recently adopted guidelines on children and armed conflict and said that, under the Austrian presidency, the situation of children in armed conflict had been a central focus of the Human Security Network. According to recent statistics, more than half a million children under the age of 18 were serving in government armed forces, paramilitary forces, civil militia and other non-State armed groups in 85 countries. At any one time, 300,000 of those children were involved in combat. Although some disarmament, demobilization and reintegration activities had enabled child soldiers to return to civilian life, many children were still in the hands of armed groups. Girl soldiers were often forgotten, either because they were less visible in conflicts or because they were stigmatised due to sexual violence against them. The participants attending the ministerial meeting of the Human Security Network at Graz in May 2003 had adopted a Support Strategy for Children affected by Armed Conflicts, which identified a set of general principles and set up an alarm function in response to violations of children's rights. Unfortunately, like universal standards, child protection standards often remained unimplemented. It was urgent to raise awareness on the part of all those confronted with the plight of child soldiers and encourage them to apply the relevant standards and best practices. As part of the Support Strategy it had adopted, the Human Security Network had developed a child rights training programme that included general guidelines and training modules that could be adapted to various groups. The programme had been made available to the Secretary-General, United Nations bodies and NGOs. He hoped that it would be used in training courses held by United Nations agencies and programmes and by States.

98. Mr. TEKLE (Eritrea) said that immediately after Eritrea's accession to independence in 1993, the Government had started to formulate a national plan of action that took into account the recommendations of the General Assembly's Special Session on Children, held in May 2002. The Government, aware that children's health and education were essential factors for the nation's future, had drawn up a preventive health care programme aimed at protecting children against the most prevalent diseases in developing countries – malaria, polio and tuberculosis. Measures were being taken to prevent transmission of HIV/AIDS from mother to child and to achieve the Millennium Development Goals with respect to child mortality. Before

independence, the educational and health programmes of the Eritrean People's Liberation Front had been recognized as exemplary. Today, the Government was continuing that tradition of promoting education, ensuring that there were as many schools in the periphery as in the capital and that children did not have to travel long distances to school.

99. The Eritrean Government had enacted several provisions concerning violence against children and had put in place awareness-raising programmes with the help of organizations such as the National Union of Eritrean Women. The plight of children in armed conflicts was of special significance to Eritreans, whose children had suffered the atrocities committed in their country by armed enemies for more than 30 years. Those armies received from foreign powers the most sophisticated and lethal weapons, some of which were now outlawed by international humanitarian law. Children who had survived cluster bombs, napalm and nerve gas were today at risk from landmines and unexploded ordinance. Eritrean children abducted by enemy soldiers were reportedly being used for minesweeping operations or as human shields and forced to perform slave labour while girls as young as 12 years old had been raped. More than 20 million Africans, many of them children, had reportedly been killed by small arms. The international community must therefore do everything possible to end the proliferation of those weapons.

100. The sale and trafficking of children, child labour, commercial sex exploitation of children and child pornography had assumed frightening proportions. According to ILO, 246 million children were working, 180 million were intolerably exploited and 8.4 million were trapped in trafficking. Poverty and underdevelopment, as well as the increasing gap between rich and poor countries, were the primary causes of that situation, especially in the context of globalization. The excellent work being done by ILO and other international institutions to eliminate violations of the rights of the child therefore deserved appreciation.

The meeting rose at 6 p.m.