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REFERENCE:

Geneva, 30 October 2000

Dear Ms. Bellamy,

On behalf of the Committee on the Rights of the Child and with reference to your kind letter dated 18 May 2000 by which you requested our Committee to contribute to the Secretary-General's report for the United Nations General Assembly Special Session on children (2001), please find attached the Committee's paper.

As you are aware, the Committee on the Rights of the Child considers the GA Special Session as a unique opportunity to further promote and protect the rights of children worldwide. Therefore the Committee expresses its firm commitment to remain actively involved in the preparatory process leading to the Special Session on children in the framework of its ongoing close cooperation with UNICEF.

I thank you in advance for your kind cooperation.

Yours sincerely,

Awa N'Deye Ouedraogo
Chairperson
Committee on the Rights of the Child

Ms. Carol Bellamy
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**Contribution of the Committee on the Rights of the Child
to the Secretary General's report for the
United Nations General Assembly Special Session (2001)**

30 October 2000

FROM PAPER TO PRACTICE

The implementation of the CRC ten years after the World Summit on Children (WSC) and beyond.

I INTRODUCTION

On the 20th November 1989 the General Assembly of the UN adopted unanimously the Convention on the Rights of the Child (CRC). Shortly before the World Summit on Children took place (29-30 September 1990) this Convention entered into force (2 September 1990). The Declaration of the WSC acknowledged that the CRC “provides a new opportunity to make respect for children’s rights and welfare truly universal”. But in the declaration and in the Plan of Action no explicit reference was made to the relevant articles of the CRC. It was at that time an illustration of the limited awareness of the international community that children are (and always have been) rights bearers. This limited awareness may explain why the implementation of the WSC’s Plan of Action and the CRC were not explicitly linked to each other . It is nevertheless fair to assume that there has been and still is a growing process of mutual influence. It is very likely that in many countries the implementation of the (National) Plan of Action has been influenced by the fact that the country is a State party to the CRC. At the same time the implementation of the CRC has been most likely strengthened by (National) Plans of Action, noticeably in the areas of health and education.

This report is not an attempt to assess and/or analyse the linkages between the implementation of the Plan of Action of the WSC and of the CRC. Assuming that those linkages exist the Committee on the Rights of the Child felt that it could be a valuable contribution to the UN General Assembly Special Session (UNGASS) on the follow-up to the WSC to briefly present the Committee’s experiences with the implementation of the CRC and to present some major

concerns which should be addressed in the Plan of Action for the next decade. The next chapter shall briefly summarize the monitoring activities of the Committee. In the third chapter the Committee highlights progress made and the remaining concerns without the pretension to present a complete picture. Much more can be said about progress and remaining concerns than possible within the framework of this report. In the final chapter IV, the Committee shall present the major concerns which in its opinion should be addressed in the next decade and included in the UNGASS “Plan of Action.”

II THE COMMITTEE ON THE RIGHTS OF THE CHILD AND THE IMPLEMENTATION OF THE CRC

II.A SOME FACTS AND FIGURES (to be checked with secretariat)

The Convention on the Rights of the Child was ratified with an unprecedented speed. By the end of 1997, all States except Somalia and the USA, had ratified the CRC. It means that the CRC is the most universal human rights instrument. In accordance with Article 43 CRC a Committee has been established for the purpose of examining the progress made by the States-parties in the implementation of the CRC. The ten members of this Committee are elected by the States parties (191 as at 1 November 2000). They are independent experts with different geographical and professional backgrounds. In order to provide the States-Parties with the necessary guidance for their reporting obligations (see Art. 44 CRC) the committee established guidelines for initial and periodic reports¹.

At its Third Session (1993) the Committee started examining the progress made by states parties in achieving the realization of the obligations undertaken in the CRC. As at 1 November 2000, 153 States-parties have submitted their initial report and 44 did submit their second periodic report. At the end of its 25th Session the Committee has examined 124 initial and 13 second periodic reports. These examinations of progress made are not only based on the reports submitted by the states Parties but also on the contributions from UN bodies like UNICEF, WHO, ILO, the OHCHR, the OHCHR and UNESCO, and international and national NGO's. This

¹Respectively documents CRC/C/5 and CRC/C/58.

“intersectorial” cooperation is a crucial element in the monitoring process. The NGO Group for the Convention on the Rights of the Child play an important role in supporting and facilitating the input by national NGO’S. This written input together with the information from the Committee’s UN partners is presented and discussed at meetings of the Pre-Sessional Working Group of the Committee. The Working Group adopts list of issues, additional questions to which the States parties respond in writing before meeting with the Committee at it’s next session. The workload of the Committee is heavy, which made it necessary to move from initially one to three sessions of 3 weeks per year (and 3 pre-sessions of one week a year). In 1999, the Committee decided to increase the number of reports it reviews from 6 to 9 per session. This became necessary and unfortunately with a reduction of the time allocated to the dialogue with the States. Parties. In this regard, the considerable support , both in terms of quantity and quality, provided to the Committee by the Office of the High Commissioner for Human Rights is highly appreciated. Without the support of its dedicated Secretariat, the Committee could not have been as active and productive as it has been. It is therefore crucial that this support is maintained at least at its present level (in terms of quantity and quality). It is furthermore essential that the amendment to increase the membership of the Committee from 10 to 18 is signed by the required 120 States parties as soon as possible. This increase if combined with the necessary changes in the working methods and an adequate (increased) support staff will allow the Committee to reduce its disturbing backlog and to strengthen its guiding role in the implementation of the CRC by issuing General Comments.

The first General Comment on the “aims of education” (art 29.1. CRC) shall be adopted during the Committee’s 26th Session (January 2001) as a contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in 2001 in South Africa.

II.B. ACTIVITIES OF THE COMMITTEE

Every two years the Committee submits a report to the General Assembly, which provides for a full picture of the Committee’s activities as the monitoring body for the CRC (most recent one about the Committee’s 18th-22nd Session UN doc. A/55/(41). The following major activities can be highlighted:

1. **CONCLUDING OBSERVATIONS AND RECOMMENDATIONS:**

The key contribution of the Committee to assess the progress of the implementation of the CRC (and implicitly to the implementation of the WSC's Plan of Action) is the Concluding Observations and Recommendations (COR's) it sends to the State party after its dialogue with the Committee. It goes far beyond the scope of this document to present and analyse all the 137 COR's the Committee has issued so far². In order to facilitate the review of the progress made in the implementation of the very comprehensive CRC and to re-affirm the interdependence and indivisibility of all human rights, the Committee has grouped the articles in 8 different clusters (see annex I). This clustering also is reflected in the structure of the COR's.

2. **FIELD VISITS:** in the period 1992-1996 the Committee visited (with the Support of UNICEF) various States parties in Latin-America, Africa, Asia and Europe. These visits provided the Committee members with the important opportunity to gather first hand information about the implementation of the CRC in the daily life of children, to contribute to the awareness of the importance of the CRC at the national level and to have a direct contact with children, NGO's and States parties representatives. Due to lack of sufficient funding this activity has been discontinued unfortunately putting an end to the Committee's possibility to receive on the spot and first hand information about the implementations of the CRC.

²See for more information the Compilations of these documents in : Biennial reports of the Committee on the Rights of the Child to the UN General Assembly ; Concluding Observations of the UN Committee on the Rights of the Child (third to seventeenth session, 1993-1998), edited by Leif Holmström; Vol.1 of the Raoul Wallenberg Institute Series of Intergovernmental Human Rights Documentation, Martinus Nijhoff Publishers, The Hague/London/Berlin, 2000. See also Implementation Handbook for the Convention on the Rights of the Child, P.Newell and P. Hodgkin; (UNICEF 1998) using the COR's for explaining and assisting in interpreting the articles of the CRC.

3. DISCUSSION DAYS: since 1992 the Committee has organised one day meetings for discussion of a topic relevant to the implementation of the CRC. This discussion day is an important instrument for the Committee to foster a deeper understanding of the content and implications of the CRC related to specific topics. It also creates an opportunity to involve the international community, represented by various UN bodies, NGO's and individuals in the promotion of the implementation of the CRC. These thematic discussions are not only meant as a forum for a large number of views and experiences and an opportunity to strengthen cooperation but are also as much as possible action oriented (for the list of discussion day's held so far with reference for more detailed information (see Annex II). Following are some examples of the impact of the discussion days:

- 1992 on children in armed conflicts. As a result of this discussion day the Committee recommended to the General Assembly that it should request the Secretary-General to undertake a study on children in armed conflicts. The result of this recommendation was the well known study by Graca Machel "Impact of Armed Conflicts on Children" (UN docs E/CN.4/306; E/CN.4/306/ Add 1 1996). This report not only underlined and strengthened the importance of an optional protocol on children involved in armed conflicts (the first draft of this protocol was prepared by the Committee and sent to the Commission on Human Rights). The protocol was approved by the General Assembly on 25 May 2000³ but also the Machel report was the basis for the appointment (in 1998) by the Secretary-General of Mr Olana Otunnu as the Special Representative for children and armed conflicts.

³A preliminary draft of this optional protocol was prepared by the Committee at it's third session (E/CN.3/1994/91, Annex) and submitted to the Commission on Human Rights at it's 50th session, see also the Committee's Recommendations adopted at its 19th session (UN Doc A/55/41 p.5 and 6).

- 1995 the administration of juvenile justice. The discussion day not only confirmed the Committee's consistent attention for this matter but also was a contribution to the establishment of the Coordination Panel on technical advice and assistance in juvenile justice to which the Committee (represented by Mrs Judith Karp) is a member. In June 1998 Mrs Karp chaired the first meeting of this Coordination Panel established by the Economic and Social Council⁴. The second meeting of the panel was held in March 2000.
- 1998 children with disabilities. As a result of this day a working group was established to (among others) prepare a plan of action in respect of the recommendations of the Committee adopted at the end of that day that day and to develop a strategy for the implementation of this plan. The working group closely cooperated with the Special Rapporteur on Disabilities of the Commission on Social Development and the panel of experts for the implementation of the Standard Rules. On the Equalization of Opportunities for persons with Disabilities. The working group held it's first meeting in January 1999. ;a second meeting was held in September 1999. The Committee is represented in this working group by Mrs Queenie Mokhuane.

4. GENERAL COMMENTS: at it's 22nd Session the Committee adopted a plan to draft and adopt General Comments. The central goal of these General Comments is to assist the States parties in their efforts to achieve progressively and effectively the full implementation of the UN Convention on the Rights of the Child. A General Comment can focus e.g. on the restatement or elaboration of the meaning of the implementation of the CRC for specific groups of children, e.g. disabled children, refugee children, working children or delinquent children or on the interpretation of an article of the CRC where appropriate in relation to other articles of this Convention or other Human Rights treaties. In drafting these General Comments the Committee has decided:

- to use whenever appropriate the results of discussion days as an important input for

⁴See the Council's Resolution, ECOSOC 1998/30 (July,21 1998) to which The Guidelines for Action on Children in the Criminal Justice System are annexed. See also the Committee's Resolution on the administration of juvenile justice adopted at its 21st session (UN Doc. A55/41 Supp.no 41, pages 6 to 8).

General Comments:

- to involve other human rights treaty bodies and mechanisms, other UN bodies and agencies, NGO's and other competent bodies in this activity of the Committee.

The first General Comment shall be on the aims of education (art.29.1) as a contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and related forms of intolerance.

III PROGRESS MADE: SOME GENERAL TRENDS AND CONCERNS

A full acknowledgment of the progress made by the States parties to the CRC over the past decade would require a country by country assessment. It would undoubtedly show that progress has been made and that this progress differs from country to country. Such a full assessment needs much more time and space than available for this report. But it is possible to make a more general assessment of the progress made and present some of the general trends which appear from the past decade.

III.A. GENERAL MEASURES OF IMPLEMENTATION

It is quite "natural" that in the first stage of the implementation of the CRC quite substantive attention has been given , both by the States parties and the Committee to "general measures of implementation" (cluster 1 under the Committee's guidelines for reporting).

LEGISLATION: many States parties took legislative measures in various degrees of intensity (amendments to existing laws, including sometimes to the Constitution, revised laws e.g. family law, complete new comprehensive Children's Acts, etc) to bring their laws in line with the CRC. This exercise was more than a technical and legal matter. Often it generated public debates in the country on various children's rights issues, involving not only politicians, but also experts, NGO's and the civil society. This progress is very commendable and still a lot has to be done in that regard. But one of the concerns of the Committee often shared by States parties is the lack of an effective implementation of the new laws due to lack of political will and/ or lack of (sufficient allocations of) financial and human resources. There is still a long way to go from the

law on paper to an effective implementation in practice.

COORDINATION: the CRC covers a wide diversity of areas relevant to children. In many initial reports quite a number of policies, programmes and/ or projects were presented originating from various ministries within the government and / or from NGO's supported by the government. The coordination of all these activities both of the national and regional/local level is necessary to achieve a comprehensive implementation of the CRC is necessary to avoid overlap, contradictions, waste of resources and inefficiency. Recognising this need some States parties have established e.g. interministerial or intersectorial councils or committees. But too often States parties lack a well established body (council, Steering group, a leading ministry) with sufficient (formal and informal) authority and mesaresto efficiently and effectively coordinate the full implementation of the CRC.

MONITORING: although some States parties have paid attention to the need of an effective monitoring of the implementation of the CRC e.g. by the establishment of an ombudsperson for children (sometimes as part of existing ombudsperson's office or a national human rights institution) progress in this regard has been slow and limited. Too often States parties don't make a clear distinction between the coordination and the monitoring of the implementation of the CRC. The Committee consistently recommends the establishment of an independent monitoring body.

BUDGET ALLOCATIONS: with reference to article 4 CRC regarding implementation of economic, social and cultural rights to the maximum extent of available resources, the Committee always raises the matter of budget allocations in the dialogue with the States parties. Although some States parties devote a substantive percentage of their national budget to social services (including education and health) it seems that in most States parties the priority given to children's rights issues is not reflected in budget allocations. Often there is a lack of transparency and many States-parties simply cannot produce reliable figures about the allocations of budgets for children's issues e.g. in the area of social services, child protection and juvenile justice because they have not established a systematic and disaggregated data collection on children's issues. But other factors play a role as well. Besides the lack of political will in some countries there is also the sheer lack of financial resources particularly in the poorest countries. Structural adjustment plans regularly limit rather seriously the expenditures on social services; the same applies or has

applied in States parties struck by the economic crisis in the (mid) nineties. In short: progress in this very crucial area has been so far very limited.

AWARENESS/TRAINING: in order to foster, promote the implementation of the CRC at all levels of the society awareness raising and training of all relevant professional groups is crucial not as a one time activity (e.g. shortly after ratification) but as an ongoing well-targeted process. Many States-parties have undertaken activities in this regard, often with the support of, inter-alia, and most noticeably UNICEF and inter/national NGO's. In many States parties the CRC has been translated in the national language and also in languages of minorities / indigenous populations. But much more needs to be done to change the traditional welfare-approach attitude to a rights approach one when dealing with children's issues. Also a systematic ongoing training of relevant professionals needs to be part of every national policy for the implementation of the CRC.

III.B. GENERAL PRINCIPLES /CIVIL RIGHTS AND FREEDOMS

In the framework of these two clusters of the CRC (see Annex 1) some progress can be noted in the following areas (but not exclusively there):

BIRTH REGISTRATION: it is crucial for every child that he or she is registered at birth. Without such registration the child does not count for the State parties policies and plans and cannot access services such as health or education and exercise their rights. Many States-parties, supported inter alia by UNICEF and NGO's like Plan International, have made or are making progress in this regard. But there are still too many children who go unregistered and are as a consequence not (fully) benefiting from the CRC's implementation.

NON-DISCRIMINATION: every State party recognises by law (often the Constitution) the principle of non-discrimination. Many States parties have addressed the discrimination of girls (e.g. in education) and have made some progress in that regard. But in quite a number of States parties it appears to be difficult to put the recognition on paper into a reality in practice. This applies in particular for the most vulnerable groups, inter alia, children belonging to minority and indigenous groups, asylum-seeking and refugee children, children with disabilities, children born out of wedlock, children from migrant families, children living in poverty, and street children

THE RIGHT TO BE HEARD /CHILD PARTICIPATION : many States parties do have legal provisions (or are in the process of making them) recognising the rights of the child to be heard e.g. in court procedures or children’s council at the local level. But it is often far from clear to what extent children are really listened to and how their views are taken into account. Several States parties do have a rather well established “school democracy” e.g. via elected student-councils. Others have organised Children’s Parliaments and often overlooking the need for similar provision for administrative decision-making processes. But when it comes to a full participation of children in decision making process (in individual cases and at the collective level) we still have a long way to go. The concept of child participation requires a careful elaboration and that is one of the challenges for the Committee itself.

PROHIBITION /PREVENTION OF VIOLENCE: all States-parties recognise the inherent right to life (art. 6 CRC), and do have provisions prohibiting torture and degrading or inhuman treatment (Art. 37 CRC), including child abuse and neglect (art. 19 CRC). Although many State parties have undertaken activities to prohibit and prevent violence against children it still is unfortunately a widespread phenomenon. Many millions of street children, working children, children involved in armed conflicts and living in refugee camps are daily victims of violence. Equally and perhaps even more serious is the violence against children in care institutions and in the family, places where they are supposed to be safe. The Committee therefore decided to devote its discussion days in 2000 and 2001 to violence against children . One of the key-problems in this regard is the fact that in too many States parties the use of (moderate) violence in the upbringing of children is (implicitly or explicitly) accepted. Only a few States parties have legal provisions prohibiting all forms of violence against children . Much more progress still needs to be made.

III.C. OTHER CHILD RIGHTS ISSUES.

Many more specific children’s rights issues can be mentioned concerning progress made over the past decade. But it goes beyond the scope of this report to present them here in details. Just some examples:

In the area of **PROVISIONS**, progress has been made in some States parties in considerable degree, in the area of (primary) health care and education⁵. The major concern here is the HIV/AIDS epidemic, particularly in Africa and more in general the lack of attention for environmental and mental health issues and the health problems of adolescents. Needless to say that the external debt of many developing countries is a very serious threat for a satisfying progress in the realization of the rights of the child to the highest attainable standard of health (art. 24 CRC) and to free primary and secondary education of good quality. In the area of **PROTECTION** in several States parties quite considerable progress can be noted. For example a lot of attention has been given to the protection against economic exploitation (art. 32 CRC; economic exploitation) not only in terms of legislation but also in terms of programs and projects aiming at prevention, reduction and elimination of the worst forms of child labour often with the crucial support of ILO/IPEC, a programme which States parties provide with (sometimes considerable) financial support. This progress is also reflected in the adoption of ILO convention 182 on the Elimination of the Worst Forms of Child Labour, at June 1999, ratified by 25 States and entering into force on 19 November 2000. But yet there are still 250 million working children and out of these 130 million are deprived of education and still much remains to be done. Similar observations can be made concerning the protection of children involved in armed conflict and the protection against child sexual exploitation⁶. Many States parties have enacted or have drafted relevant legislation in these areas. Most recent reflections of this attention is the adoption by the General Assembly of two optional protocols to the CRC: one on children involved in armed conflicts and the other against the sale of children, child prostitution and child pornography. The Committee assumes (and at least hopes) that many States Parties, and perhaps also one or two States which are not yet party to the CRC, shall ratify these two optional protocols. But again the remaining challenge is often the move from paper to practice. The implementation of new legislation requires effective measures and financial resources which are often lacking (see above

⁵The Committee likes to refer to other reports like e.g. "The state of the Worlds Children 2000" and other annual reports by UNICEF and "The Progress of Nations 1999" also by UNICEF.

⁶Assuming that much of these developments are known and /or will be reported by others the Committee limits itself to some key-works: Graca Machel Report (1998), Stockholm conference (1996) on commercial sexual exploitation and the Special rapporteur on sale of children, child prostitution and child pornography.

under section “Budget allocations”). In conclusion: progress, and in some areas considerable progress, can be reported regarding the implementation of the CRC. But it is also necessary to note that much of this progress in the category of “first steps” e.g. the enactment or drafting of new legislation and the development of new policies and programmes. In other words; the impact of the CRC is not yet very visible for most people. The States parties have to move with as much speed as possible from paper to practice. Many millions of children are still waiting for e.g. the health care, education and protection they are entitled to under the CRC.

IV. MAJOR CRC CONCERNS TO ADDRESS IN THE NEXT DECADE

A. FROM WELFARE APPROACH TO RIGHTS APPROACH

It is the traditional approach to consider children in the first place and above all as objects of our concerns, of our desire to do good and of our welfare activities. This welfare-approach of children is deeply rooted in our societies and has produced a lot of good things for children.

But the CRC is not a child welfare programme. It is a human rights document explicitly recognising children as rights holders entitled to respect for all their human rights (equal to those for adults) and for the rights specifically focussing on the child as a human being with vulnerabilities which require (special), protection but also with evolving capacities which should be respected by e.g. providing them with adequate opportunities to be heard to participate and to take independent decisions in accordance with their age and maturity. In other words: the implementation of the CRC requires that States parties move from the traditional welfare approach of children to a human rights based approach, an approach which should at the same time focus on an integrated, multi disciplinary implementation of the CRC. This rather fundamental change of attitudes is a challenge not only for governmental authorities but for (most likely) many professionals working with or for children and finally for the parents and the children.

To achieve this change a lot of on-going activities in e.g. the area of awareness raising and training are and remain necessary. A rather deeply rooted attitude can not be changed over night.

The Committee is of the opinion that one of the major challenges for the next decade of the implementation of the CRC is to achieve this change in as many States parties as possible. It is not easy to measure the degree to which this change has been achieved, but there are activities which may reflect the progress made c.q. are indications for the States-parties commitment to this change. Major activities/indicators in this regard are in the area of general measures of

implementation and the General Principles of the CRC. This is the reason why the Committee likes to present the following priorities for the next decade because they contribute to the fundamental change mentioned above. A note of warning: the Committee does not want to suggest that other concerns are unimportant e.g. in the area of health, education and juvenile justice. But it takes into account that many of them will be brought to the UNGASS, and will limit itself to some other aspects of the implementation of the CRC which are regularly “forgotten”.

B. GENERAL MEASURES OF IMPLEMENTATION

B.1 COORDINATION: States parties should establish a central body and wherever appropriate regional or local bodies with the necessary (formal and informal) authority and adequate resources to coordinate the implementation of the CRC based on a comprehensive national plan. This plan should not only focus on legislation and programmes development but also on the measures necessary to effectively implement laws and programmes including adequate allocation of financial and human resources.

B.2. TRAINING AND AWARENESS RAISING: systematic training of all professionals working with and for children and the developing and maintaining of a high level of awareness of children as rights holders are necessary instruments for the change of attitude mentioned under a. of this chapter. These activities are mandatory and crucial elements of a national plan for implementation of the CRC.

B.3. MONITORING: monitoring of the CRC implementation is not only important for the identification of progress made and of the remaining obstacles and difficulties, but also (and even more importantly) it should provide children and /or their parents (or other legal representatives) with an effective way to file complaints about violation of CRC provisions. Each State party should establish a body (organisational form to be decided by the State party) to monitor the implementation of the CRC. This body should be independent from the government, with the authority to receive individual complaints and to investigate them and to make recommendations.

C. GENERAL PRINCIPLES:

Systematic attention should be given to all general principles (articles 2, 3, 6 and 12 of the CRC) not only in child orientated legislation and projects and programmes but also in all other measures taken at the national, regional or local level. Assessment of the possible impact of all legislation and policies should be the following questions:

- in which ways does the planned activity affect children?
- have children had the (effective) opportunity to express their views in this regard?
- have the best interests of the children been a primary consideration?
- although the other principles are equally important the Committee likes to emphasise (as one of the indicators for a change of attitude) the right of the child to be heard and be involved in decision making.
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C.1 THE RIGHT TO BE HEARD /CHILD PARTICIPATION: States parties should not only clearly recognise (by law) the right of the child to be heard in all decisions concerning her/him but also to ensure that the implementation of this right does not entirely or to a large degree on the judgement of others on its “suitability or appropriateness”. Furthermore law and practice should be such that the views expressed by the child are taken into account in accordance with her/his evolving capacities e.g. by a rule that decisions taken by courts and other authorities should reflect this. The rights to be heard and to have her/his views taken into account entail, also in the light of the civil rights and freedom, the participation of children. The Committee wants to call on the States parties to develop and implement programmes to create and strengthen the opportunities for children to participate in the decision making process not only because it reflects respect for their position as rights-holders and the recognition of the fact that children are an important source of information, but it is also a way to prevent their isolation and /or marginalization.

4. VIOLENCE AGAINST CHILDREN

One of the major concerns of the Committee is the widespread practice of violence against children. It takes many forms and different levels of intensity. If the Committee puts its

information together a very horrific and disturbing picture appears. Children killed on the streets by para-military groups, police and others sometimes as part of so called “social cleansing”. Children amputated, tortured and killed in the middle of the many armed conflicts in this world. Violence against working children, children in institutions and within the family setting, including very serious forms of neglect, and emotional /verbal abuse and sexual abuse, trafficking, prostitution and pornography. This picture constitutes numerous violations of most children’s rights and illustrates how far away the world is from respecting children as human beings with rights. The Committee is of the opinion that a comprehensive study of the nature, the causes and the possibilities to reduce and prevent violence against children. But at the same time the Committee strongly recommends that all States parties (and the two States which are not yet a party) to the CRC to commit themselves in no uncertain terms to undertake to the maximum extent of their available resources all necessary measures to reduce and prevent every form of violence against children.

E. A HEALTHY FAMILY ENVIRONMENT

A child should grow up in a family environment in an atmosphere of happiness, love and understanding (CRC’s preamble). The CRC acknowledges (see e.g. art 5,9 and 18) the important role the parents of the child and her/his extended family. Experiences show corroborated by a wealth of research findings that the quality of the family environment is not only crucial for the harmonious development of the child but also for e.g. good educational achievements, appropriate health care and prevention of delinquency. The Committee recommends the States parties for the next decade to pay adequate and effective attention to the right of the child to a healthy family environment e.g. by developing and implementing comprehensive policies providing for adequate financial and other support for families and children facing socio-economic or other social, psychological problems.

F. ADOLESCENTS

The concept of children’s rights is often associated with young persons, usually till about 12 years of age. This is reflected e.g. in the health care targets of the WSC and regularly in other areas like education and welfare services. It results in a low level of attention of the problems and

rights of adolescents e.g. problems with mental health, reproductive health and in the area of problematic behaviour like runaways, delinquency. But persons of 14,15,16 and 17 years of age are entitled to all the rights of the CRC. Particularly this group of children may, thanks to their evolving capabilities, be more and more capable of exercising their rights independently. The Committee recommends to pay more and systematic attention to the problems and the exercise of the rights of adolescents in the decade to come in areas like health, education, employment and delinquency. In conclusion: the Committee recommends the UNGASS to adopt a Plan of Action which clearly reflects the fact that children are rights holders that adolescents are children too under the Convention on the Rights of the Child and that all States commit themselves to the maximum efforts possible to effectively prevent and reduce all forms of violence against children.

Annex. I:

CLUSTERS ESTABLISHED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD UNDER ITS REPORTING GUIDELINES

1) General measures of implementation

(arts. 4, 42 and 44)

2) Definition of the child

(article 1)

3) General principles

- (a) Non-discrimination (art. 2);
- (b) Best interests of the child (art. 3);
- (c) The right to life, survival and development (art. 6);
- (d) Respect for the views of the child (art. 12).

4) Civil rights and freedoms

- (a) Name and nationality (art. 7);
- (b) Preservation of identity (art. 8);
- (c) Freedom of expression (art. 13);
- (d) Access to appropriate information (art. 17);
- (e) Freedom of thought, conscience and religion (art. 14);
- (f) Freedom of association and of peaceful assembly (art. 15);
- (g) Protection of privacy (art. 16);
- (h) The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a)).

5) Family environment and alternative care

- (a) Parental guidance (art. 5);
- (b) Parental responsibilities (art. 18, paras. 1-2);
- (c) Separation from parents (art. 9);
- (d) Family reunification (art. 10);
- (e) Recovery of maintenance for the child (art. 27, para. 4);
- (f) Children deprived of a family environment (art. 20);
- (g) Adoption (art. 21);
- (h) Illicit transfer and non-return (art. 11);
- (i) Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39);
- (j) Periodic review of placement (art. 25).

6) Basic health and welfare

- (a) Survival and development (art. 6, para. 2);
- (b) Disabled children (art. 23);
- (c) Health and health services (art. 24);
- (d) Social security and child care services and facilities (arts. 26 and 18, para. 3);
- (e) Standard of living (art. 27, paras. 1-3).

7) Education, leisure and cultural activities

- (a) Education, including vocational training and guidance (art. 28);
- (b) Aims of education (art. 29);
- (c) Leisure, recreation and cultural activities (art. 31).

8) Special protection measures

(a) Children in situations of emergency

- (i) Refugee children (art. 22);
- (ii) Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39);

(b) Children in conflict with the law

- (i) The administration of juvenile justice (art. 40);
- (ii) Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d));
- (iii) The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a));
- (iv) Physical and psychological recovery and social reintegration (art. 39);

(c) Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)

- (i) Economic exploitation, including child labour (art. 32);
- (ii) Drug abuse (art. 33);

- (iii) Sexual exploitation and sexual abuse (art. 34);
- (iv) Other forms of exploitation (art. 36);
- (v) Sale, trafficking and abduction (art. 35);
- (d) Children belonging to a minority or an indigenous group (art. 30).

Annex. II.

**LIST OF THEMATIC DISCUSSIONS
ORGANIZED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD**

- 1992 Children in armed conflict
- 1993 Economic exploitation of the child
- 1994 The role of the family in the promotion of the rights of the child
- 1995 The girl child
- 1995 The administration of juvenile justice
- 1996 Children and the media
- 1997 Children with disabilities
- 1998 Children living in a world with HIV/AIDS
- 1999 CRC Tenth Anniversary Commemorative Two-Day Meeting
- 2000 State violence against children