



General Assembly

Distr.: General
19 April 2012

Original: English

Human Rights Council

Nineteenth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Resolution adopted by the Human Rights Council*

19/37

Rights of the child

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention, as well as other human rights instruments,

Reaffirming all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Council resolutions 7/29 of 28 March 2008, 10/14 of 26 March 2009, 13/20 of 26 March 2010 and 16/12 of 24 March 2011, and Assembly resolution 66/141 of 19 December 2011,

Welcoming the reports of the Secretary-General on the status of the Convention on the Rights of the Child,¹ on the follow-up to the special session of the General Assembly on children² and on the girl child,³

Taking note with appreciation of the report of the Special Representative of the Secretary-General on violence against children,⁴ the report of the Special Representative of the Secretary-General for Children and Armed Conflict,⁵ and the reports of the Special Rapporteur on the sale of children, child prostitution and child pornography,⁶

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its nineteenth session (A/HRC/19/2), chap. I.

¹ A/66/230.

² A/66/258.

³ A/66/257.

⁴ A/HRC/19/64.

⁵ A/66/256.

⁶ A/66/228 and A/HRC/19/63.

Welcoming the study of the United Nations High Commissioner for Human Rights on challenges, lessons learned and best practices in a holistic, child rights and gender-based approach to protect and promote the rights of children working and/or living on the street,⁷

Taking note with appreciation of the adoption by the General Assembly of the third Optional Protocol to the Convention on the Rights of the Child, on a communications procedure,⁸ and of the signing ceremony held on 28 February 2012, at which 20 States signed the Optional Protocol,

Recognizing the contribution of the International Criminal Court in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes, calling upon States not to grant amnesties for such crimes and acknowledging the contribution of the international criminal tribunals and special courts in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes,

Welcoming the work of the Committee on the Rights of the Child, and taking note with interest of recent general comments, in particular general comment No. 10 (2007) on children's rights in juvenile justice,

Welcoming also the attention paid by the special procedures of the Human Rights Council to the rights of the child in the context of their respective mandates, *inter alia*, the reports of the Special Rapporteur on the right to education,⁹ the Special Rapporteur on trafficking in persons, especially women and children,¹⁰ and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences,¹¹

Profoundly concerned that the situation of children in many parts of the world remains critical, and convinced that urgent and effective national and international action is called for,

Mindful that regional instruments can play an important role in protecting and promoting the rights of the child,

Deeply concerned that more than seven million six hundred thousand children under the age of 5 die each year, mostly from preventable and treatable causes, caused by lack of access to health care and services, including access to skilled birth attendants and immediate newborn care, as well as to health determinants, such as clean and safe water and sanitation, and safe and adequate nutrition, and that mortality remains highest among children belonging to the poorest and most marginalized communities,

Underlining the need to mainstream a gender perspective and to recognize the child as a rights-holder in all policies and programmes relating to children,

Welcoming the progress made towards the universal ratification of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, ahead of the tenth anniversary in 2012 of their entry into force,

Recognizing that environmental damage and hazards have potentially negative effects on children and their enjoyment of their rights to life, to the highest attainable standards of health and to an adequate standard of living,

⁷ A/HRC/19/35.

⁸ General Assembly resolution 66/13.

⁹ A/HRC/17/29.

¹⁰ A/HRC/17/35.

¹¹ A/HRC/18/30.

I. Implementation of the Convention on the Rights of the Child and other instruments

1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

2. *Acknowledges* that the Convention on the Rights of the Child is the most universally ratified human rights treaty, and urges the States that have not yet done so to become parties, as a matter of priority, to the Convention and the first two Optional Protocols thereto, and to consider signing and ratifying the third Optional Protocol thereto, on a communications procedure, and, concerned at the great number of reservations to the Convention, urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them;

3. *Calls upon* States parties to implement the Convention and the Optional Protocols thereto fully and in accordance with the best interests of the child by, inter alia, putting in place effective national legislation, policies and action plans, and to comply in a timely manner with their reporting obligations under the Convention and the first two Optional Protocols thereto, taking fully into consideration the guidelines elaborated by the Committee on the Rights of the Child, as well as taking into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

4. *Also calls upon* States parties to designate, establish or strengthen relevant governmental structures for children, including, where appropriate, ministries in charge of child issues, independent ombudspersons and other independent institutions for children, and to ensure adequate and systematic training on the rights of the child for professionals working with and for children;

5. *Encourages* States to develop and strengthen the collection, analysis and dissemination of data for national statistics, including in the area of juvenile justice and on children deprived of liberty, as well as children of incarcerated parents, and, as far as possible, to use data disaggregated by, inter alia, age, sex, ethnicity, location, language, family income, disability and other relevant factors that may lead to disparities, and other statistical indicators at the national, subnational, subregional, regional and international levels, to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

6. *Calls upon* all States to strengthen their international commitment, cooperation and mutual assistance with the objective of fully realizing the rights of the child, including through the sharing of good practices, research, policies, monitoring and capacity-building;

7. *Calls upon* States to ensure that their national legal systems are able to provide remedies to children who are victims of violations of their rights, and to ensure that such systems are accessible and appropriate for all children without discrimination of any kind;

8. *Reaffirms* the right of the child to express his or her views freely in all matters affecting him or her and giving those views due weight in accordance with his or her age and maturity, and calls upon States to provide disability-, gender- and age-appropriate assistance to enable the active and equal participation of all children;

9. *Calls upon* all States to take all necessary measures to establish holistic child protection systems, including laws, policies, regulations and services across all social sectors, especially social welfare, education, health, security and justice, in order to address

the multiple needs and underlying vulnerabilities of children in the most disadvantaged and marginalized situations;

II. Mainstreaming of the rights of the child

10. *Reaffirms* its commitment to effectively integrate the rights of the child into its work and that of its mechanisms in a regular, systematic and transparent manner, taking into account the specific needs of boys and girls;

11. *Decides* to continue to incorporate into its programme of work sufficient time, at a minimum an annual full-day meeting, to discuss different specific themes on the rights of the child, including the identification of challenges to the realization of the rights of the child, as well as measures and best practices that can be adopted by States and other stakeholders, and to assess the effective integration of the rights of the child into its work;

12. *Urges* all stakeholders to take into full account the rights of the child in the second and subsequent cycles of the universal periodic review, in the preparation of information submitted for the review and during its dialogue, outcome and follow-up, in particular with regard to the implementation of recommendations on the rights of the child, and encourages States to consult civil society and children to this end, as appropriate;

13. *Encourages* special procedures and other human rights mechanisms of the Human Rights Council to integrate the rights of the child into their work and to include in their reports specific information, qualitative analysis and recommendations aimed at improving the situation of children, in accordance with their mandates;

14. *Encourages* all human rights treaty bodies to integrate the rights of the child into their work, in accordance with their mandates;

III. Protecting and promoting the rights of the child

Non-discrimination

15. *Calls upon* States to ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

16. *Notes with concern* the large number of children belonging to national, ethnic, religious and linguistic minorities, migrant children, refugee or asylum-seeking children, internally displaced children and children of indigenous origin that are victims of discrimination, including racism, racial discrimination, xenophobia and related intolerance, and stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views and the child's gender-specific needs, in education programmes and programmes to combat these practices, and calls upon States to provide special support and to ensure equal access to services for those children;

The girl child

17. *Calls upon* all States to take all necessary measures, including by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, policies, programmes or strategies to promote and protect the human rights of the girl child, in order to:

(a) Eliminate all forms of discrimination against girls and women and take measures to address stereotyped gender roles and other prejudices based on the idea of the inferiority or the superiority of either of the sexes, and to mainstream in this context a gender perspective in all development policies and programmes, including those relating to children and those specific to the girl child;

(b) Protect girls from all forms of violence and exploitation, including female infanticide, female genital mutilation, rape, domestic violence, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, human trafficking, forced migration, forced labour, early and forced marriage and forced sterilization, including by addressing their root causes, to eliminate prenatal sex selection and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence and discrimination;

(c) Promote gender equality and equal access to basic social services, such as education, nutrition, birth registration, health care, including sexual and reproductive health, in line with the International Conference on Population and Development, vaccinations and protection from diseases representing the major causes of mortality;

(d) Involve girls and their representative organizations in decision-making processes, as appropriate, and include them as full and active partners in identifying their own needs and in developing, planning, implementing and assessing policies and programmes to meet those needs;

Children with disabilities

18. *Recognizes* that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalls the obligations to that end undertaken by the States parties to the Convention on the Rights of the Child and to the Convention on the Rights of Persons with Disabilities;

19. *Calls upon* all States:

(a) To take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities, in both the public and private spheres, including by incorporating an explicit focus on the specific needs of children with disabilities into policies and programmes for children, taking into account the particular situation of children with disabilities, who may be subject to multiple or aggravated forms of discrimination, including girls and children living in poverty;

(b) To ensure the protection of the dignity of children with disabilities, to promote their self-reliance and to facilitate their full and active participation and inclusion in the community, including by ensuring access to quality, inclusive education and health services, and to enact and enforce legislation protecting children with disabilities against all forms of discrimination, exploitation, human trafficking, violence and abuse;

(c) To consider ratifying the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto as a matter of priority;

Migrant children

20. *Also calls upon* all States to ensure for migrant children, as well as for children of migrant parents, the enjoyment of all human rights of every child within their jurisdiction without discrimination of any kind, to provide access to health care, social services and education of good quality in accordance with domestic laws consistent with applicable international obligations, and to ensure that migrant children, especially those who are unaccompanied and those who are victims of violence and exploitation receive special protection and assistance, in accordance with their obligations, as reflected in articles 9 and 10 of the Convention on the Rights of the Child;

21. *Calls upon* States to establish or strengthen policies and programmes aimed at addressing the situation of children in the context of migration that have a human rights-based approach and are based on general principles, such as the best interests of the child, non-discrimination, participation, survival and development;

Children working and/or living on the street

22. *Calls upon* all States to take a holistic and gender-based approach to the protection and promotion of the rights of children working and/or living on the street in order to prevent violations of their rights, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary execution, torture, all kinds of violence and exploitation, and human trafficking, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of those children, and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

Refugee and internally displaced children

23. *Also calls upon* all States to comply with their obligations as assumed under relevant provisions of international law, and to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied and who are particularly exposed to risks in connection with armed conflict and post-conflict situations, such as recruitment, sexual violence and exploitation; to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification; and, where appropriate, to cooperate with international humanitarian and refugee organizations;

Freedom from violence

24. *Encourages* States to implement the recommendations made in the United Nations study on violence against children,¹² building upon the follow-up process promoted by the Special Representative of the Secretary-General on violence against children, urging them to prioritize prevention in order to address the serious incidence and long-term impact of all forms of violence against children perpetrated throughout the world, in their homes and families, in schools and other education centres, in care and justice systems, workplaces and in communities;

25. *Notes with appreciation* the consolidated partnerships promoted by the Special Representative of the Secretary-General on violence against children in coordination with national Governments, United Nations agencies, regional organizations, human rights bodies and mechanisms and representatives of civil society, and with the participation of children;

26. *Calls upon* all States and invites United Nations entities and agencies, regional organizations and civil society, including non-governmental organizations, to cooperate with the Special Representative of the Secretary-General on violence against children in promoting further implementation of the recommendations made in the United Nations study on violence against children, and encourages States to provide support to the Special Representative, including adequate and predictable financial support, for the continued, effective and independent performance of her mandate, as set out by the General Assembly in its resolution 62/141 of 18 December 2007, and invites the private sector to provide voluntary contributions for that purpose;

27. *Calls upon* States to take effective and appropriate legislative and other measures or, where they already exist, to strengthen legislation and policy to prohibit and eliminate all forms of violence against children in all settings;

28. *Also calls upon* States to take, as a matter of urgency, all appropriate measures to prevent, and to protect children from, torture and other cruel, inhuman or degrading treatment or punishment and from all forms of violence, including physical, mental and sexual violence, to tackle all forms of bullying, child abuse and exploitation, domestic violence and neglect, human trafficking and violence perpetrated by the police, other law enforcement authorities and employees and officials in detention centres or welfare institutions, including orphanages, giving priority to the gender dimension, and to address underlying causes through a systematic and comprehensive approach;

29. *Further calls upon* States to ensure that all child victims of violence have access to appropriate child-sensitive health care and services, as well as social services, and that special attention is paid to the gender-specific needs of girls and boys who are victims of violence;

Identity, family relations and birth registration

30. *Urges* all States to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to preserve the child's identity, including nationality, name and family relations, as recognized by law, to ensure birth registration of all children immediately after birth, irrespective of their status, through universal, free, accessible, simple, expeditious and effective registration procedures in accordance with article 7 of the Convention on the Rights of the Child and article 24 of the International Covenant on Civil and Political Rights, to raise awareness of the importance of birth registration at the national, regional and local levels, to facilitate late registration of birth, and to ensure that children who have not been registered have access without discrimination to health care, protection, education, safe drinking water and sanitation, and other basic services;

31. *Recalls* that every child has the right to acquire a nationality, recognizes the special needs of children for protection against arbitrary deprivation of nationality, and encourages States that have not acceded to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness to consider doing so;

32. *Reaffirms* paragraphs 17 and 18 of Human Rights Council resolution 7/29, and calls upon States to consider ratifying the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and the Convention on the Civil Aspects of International Child Abduction;

33. *Encourages* States to take into account the Guidelines for the Alternative Care of Children, and to adopt and enforce laws and improve the implementation of policies and programmes, budget allocation and human resources to protect children growing up without parents or caregivers; where alternative care is necessary, decision-making should be in the best interests of the child, in full consultation with the child as age-appropriate and with his or her legal guardians;

34. *Calls upon* States to cooperate, to the extent consistent with the obligations of each State, to ensure the right of children whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by facilitating access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

Eradication of poverty

35. *Calls upon States and the international community to support, cooperate and participate in the intensification of global efforts for poverty eradication at the global, regional and country levels by, inter alia, accelerating progress towards all development and poverty reduction goals, as set out in the Millennium Declaration and reaffirmed during its review, so as to ensure the realization of the rights of the child;*

36. *Calls upon States to ensure that all efforts to achieve child poverty-related international development goals by and beyond 2015 are guided by the obligations and commitments of States to respect, protect and fulfil human rights;*

Right to the enjoyment of the highest attainable standard of health

37. *Calls upon all States:*

(a) *To take all necessary measures to ensure that the right of the child to life, survival and the enjoyment of the highest attainable standard of physical and mental health is promoted and protected, without any kind of discrimination, including through the development and implementation of laws, strategies and policies, gender-responsive budgeting and resource allocation, and adequate investment in health systems, including comprehensive and integrated primary health care, and in the health work force, including in efforts to achieve health-related international development goals by and beyond 2015, and to ensure access to adequate food and nutrition, safe drinking water and sanitation;*

(b) *To address, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV, by providing those children, their families and caregivers with support and rehabilitation, including social and psychological rehabilitation and care, including paediatric services and medicines, by intensifying efforts to develop tools for early diagnosis, child-friendly medicine combinations and new treatments for children, particularly for infants living in resource-limited settings, and by accelerating efforts towards the elimination of mother-to-child transmission of the virus;*

(c) *To ensure confidentiality and informed consent in the provision of health care and services, in particular with regard to sexual and reproductive health, to children and adolescents, according to their evolving capacities;*

Right to education

38. *Also calls upon all States:*

(a) *To recognize and ensure the realization of the right to education on the basis of equal opportunity and non-discrimination by making primary education available, free and compulsory for all children, ensuring that all children have access to good-quality education from an early age, and making secondary education generally available and accessible for all, in particular by the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion;*

(b) *To ensure children's education is restored in emergency situations, and that disaster risk reduction strategies take into due account the right of the child to education;*

(c) *To design and implement programmes to provide pregnant adolescents and adolescent mothers with education, social services and support, to enable them to continue and complete their education and ensure that they are not discriminated against;*

Child labour

39. *Further calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous, interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

40. *Urges* all States that have not yet ratified the Conventions of the International Labour Organization concerning the Minimum Age for Admission to Employment (Convention No. 138) and the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) to consider doing so as a matter of priority, and encourages States to consider ratifying the Convention on Decent Work for Domestic Workers (Convention No. 189);

41. *Notes with interest* the outcome of the Hague Global Child Labour Conference, including the Road Map for Achieving the Elimination of the Worst Forms of Child Labour by 2016;

IV. Prevention and eradication of the sale of children, child prostitution and child pornography

42. *Calls upon* all States:

(a) To take all measures necessary to eliminate, criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, human trafficking, child sex tourism, the sale of children for any purpose (including sexual exploitation, organ transfer, illegal adoption and forced labour), including when these acts are committed through the Internet, and to take effective measures against the criminalization of children who are victims of exploitation;

(b) To take effective measures to ensure the prosecution of offenders, including through international assistance in connection with investigations or criminal or extradition proceedings, and to increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(c) To address effectively the needs of victims of human trafficking, sale of children, child prostitution and child pornography, including their safety and protection, physical and psychological recovery and full reintegration into their family and society, and bearing in mind the best interests of the child, to combat the demand that encourages such criminal practices against children and factors leading to these practices, and to take the measures necessary to eliminate the sale of children, child prostitution and child pornography by adopting a holistic approach and addressing all contributing root causes;

(d) To consider signing and ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

V. Protection of children affected by armed conflict

43. *Condemns* in the strongest terms all violations of applicable international law committed against children in armed conflict involving the recruitment and use of children, as well as killing or maiming, rape or other sexual violence, abduction, attacks against

schools and hospitals, denial of humanitarian access and the forced displacement of children and their families, and urges all parties to armed conflict to end all violations and to seek to end impunity for perpetrators by ensuring rigorous investigation and prosecution of crimes committed;

44. *Reaffirms* the essential role of the General Assembly, the Economic and Social Council and the Human Rights Council in the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and takes note of Security Council resolutions on children and armed conflict, in particular resolutions 1612 (2005) of 26 July 2005, 1882 (2009) of 4 August 2009 and 1998 (2011) of 12 July 2011, and of the undertaking by the Security Council to pay special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations;

45. *Notes with appreciation* the steps taken with regard to Security Council resolutions 1612 (2005), 1882 (2009) and 1998 (2011), and the efforts of the Secretary-General to implement the monitoring and reporting mechanism, including in collecting and providing timely, objective, accurate and reliable information on children and armed conflict in accordance with those resolutions, with the participation of and in cooperation with Governments and relevant United Nations and civil society actors, including at the country level, and recognizes in this respect the work of the office of the Special Representative of the Secretary-General for Children and Armed Conflict;

46. *Takes note* of the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles), and encourages States that have not endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups (the Paris Commitments) to consider doing so, and to consider using the Paris Principles to inform their work in protecting children from the effects of armed conflicts, and requests the relevant entities of the United Nations system, within their mandates, and invites civil society, to assist Member States in this field;

47. *Calls upon* States:

(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that, under the Convention, persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(b) To take all feasible measures, in particular long-term educational and social and economic measures, to ensure the demobilization and effective disarmament of children used in armed conflicts, and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, taking into account the rights and specific needs of girls affected by armed conflict, and paying special attention to their protection and welfare;

(c) To ensure that children accused of committing crimes during conflict while associated with armed forces are also treated as victims and that, in cases where accountability of the child is sought, the decision takes into consideration the best interests of the child and his or her reintegration into society;

(d) To take effective preventive measures against sexual exploitation and abuse by military and civilian peacekeepers, to ensure that investigations and prosecutions are

carried out independently and in the best interests of the child, and to hold perpetrators to account;

48. *Calls upon* all States and other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto of 8 June 1977;

VI. Children and the administration of justice

49. *Reaffirms* all resolutions of the General Assembly and the Human Rights Council on juvenile justice, in particular Assembly resolution 65/213 of 21 December 2010 and Council resolution 18/12 of 29 September 2011;

50. *Encourages* States to develop and implement a comprehensive juvenile justice policy to protect and address the needs of children in contact with the law with a view to promoting, *inter alia*, crime prevention programmes, the use of alternative measures, such as diversion and restorative justice, and ensuring compliance with the principle that deprivation of liberty of children should only be used as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

51. *Calls upon* States to abolish by law and in practice, as soon as possible, the death penalty and life imprisonment without possibility of release for those under 18 years of age at the time of the commission of the offence;

52. *Also calls upon* States to commute immediately such sentences and to ensure that any child previously sentenced to the death penalty or life imprisonment without possibility of release is removed from special prison facilities, especially from death row, and transferred to regular institutions of detention appropriate for the age of the offender and the offence committed;

53. *Calls upon* all States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment, and to ensure that, if they are arrested, detained or imprisoned, children are provided with adequate legal assistance and that they have the right to maintain contact with their family through correspondence and visits from the moment they are arrested, save in exceptional circumstances, and that no child is sentenced or subject to forced labour or corporal punishment, or deprived of access to and provision of health care and services, hygiene and environmental sanitation, education, basic instruction and vocational training, and to undertake prompt investigations of all reported acts of violence and ensure that perpetrators are held accountable;

54. *Urges* States to take special measures to protect children in contact with the law, including by means of the provision of adequate legal assistance, training in juvenile justice for judges, police officers, prosecutors and specialized lawyers, in addition to other representatives who provide other appropriate assistance, such as social workers; the establishment of specialized courts, as appropriate; the promotion of universal birth registration and age documentation; and the protection of the right of juvenile offenders to maintain contact with their families through correspondence and visits, save in exceptional circumstances;

55. *Also urges* States to presume children alleged as, accused of or recognized as having infringed the criminal law to be under the age of majority when their age is in doubt until such an assumption is rebutted by the prosecution, and to treat the accused as a juvenile if the burden is not met;

56. *Further urges* States to ensure that, from the very first contact with the justice system, special measures are in place so that the child understands the nature of proceedings and what is at stake for the child, and that the child is informed of his or her rights in a comprehensible manner, according to his or her age and level of maturity;

57. *Urges* States to ensure that the child is assisted during all judicial proceedings by a competent adult, parent or guardian, in addition to the child's lawyer, and to ensure that the child's right to be heard in proceedings is observed;

58. *Calls upon* States to respect the privacy of the child throughout criminal proceedings, and to ensure that any identification of the child is only made in exceptional and duly justified circumstances;

59. *Also calls upon* States to enact or review legislation to ensure that any conduct not considered a criminal offence or not penalized if committed by an adult is not considered a criminal offence and not penalized if committed by a child, in order to prevent the child's stigmatization, victimization and criminalization;

60. *Urges* States to take all necessary and effective measures, including legal reform where appropriate, to prevent and respond to all forms of violence against children within the justice system;

61. *Encourages* States to collect relevant information concerning children within their criminal justice systems so as to improve their administration of justice, while being mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

62. *Calls upon* States to consider establishing independent national or subnational mechanisms to contribute to the monitoring and safeguarding of the rights of the child, including children within their criminal justice systems, and to address children's concerns;

63. *Encourages* States to foster close cooperation between the justice sectors, different services in charge of law enforcement, social welfare and education sectors in order to promote the use and improved application of alternative measures in juvenile justice;

64. *Stresses* the importance of including rehabilitation and reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

65. *Encourages* States not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of the child, and, in this respect, refers to the recommendation of the Committee of the Rights of the Child to increase their lower minimum age of criminal responsibility to the age of 12 years as the absolute minimum age, and, where applicable, to continue to increase it to a higher age level;

66. *Calls upon* relevant special procedures of the Human Rights Council to pay special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard;

67. *Invites* States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations agencies and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in

particular juvenile justice, and encourages States to provide the secretariat of the Panel and its members with adequate resources;

Children of incarcerated parents

68. *Welcomes* the day of general discussion on children of incarcerated parents, held by the Committee on the Rights of the Child on 30 September 2011, takes note with interest of the outcomes thereof, and invites States to take the recommendations made at the discussion into account;

69. *Calls upon* States:

(a) To give priority, when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary care-giver, to non-custodial measures, bearing in mind the gravity of the offence and after taking into account the best interests of the child;

(b) To ensure that the best interests of the child should be a primary consideration in relation to the question of whether and how long children of imprisoned mothers should stay with them in prison, and emphasizing the responsibility of the State to provide adequate care for women in prison and their children;

(c) To provide children of persons accused or convicted of offences with access to their incarcerated parents or parental caregivers throughout judicial proceedings and the period of detention, including regular and private meetings with the prisoners, and, wherever possible, contact visits for younger children, subject to the best interests of the child, taking into account the need to ensure the administration of justice;

(d) To recognize, promote and protect the rights of the child affected by parental incarceration, in particular the right to have their best interests included as an important consideration in decisions relating to one or both of their parent's involvement with the criminal justice system, as well as the right not to be discriminated against because of the actions or alleged actions of one or both of their parents;

(e) Bearing in mind the best interests of the child, to keep children or their legal guardians informed of the place of imprisonment of their incarcerated parents or parental caregivers and, in advance, of any transfer, as well as of the progress of petitions for pardons, reports presented to bodies such as clemency commissions, and the reasoning behind the recommendations of these bodies to support or reject petitions;

(f) To ensure that children whose parents or parental caregivers are on death row, the inmates themselves, their families and their legal representatives are provided, in advance, with adequate information about a pending execution, its date, time and location, to allow a last visit or communication with the convicted person, the return of the body to the family for burial or to inform on where the body is located, unless this is not in the best interests of the child;

VII. Follow-up

70. *Decides*:

(a) To request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee on the Rights of the Child, special procedures and special representatives of the United Nations system in the implementation of their mandates and, where appropriate, to invite States to continue to make voluntary contributions;

(b) To request the Secretary-General to submit to the Human Rights Council, at its twenty-second session, a report on the rights of the child, including information on the status of the Convention on the Rights of the Child;

(c) To remain seized of the issue and to consider, in accordance with the programme of work of the Human Rights Council, an omnibus resolution on the rights of the child every five years, and to focus on a theme of the rights of the child on an annual basis in the intervening period;

(d) To request the High Commissioner to prepare a summary of the full-day meeting on the rights of the child before the twenty-first session of the Human Rights Council;

(e) To focus its next full-day meeting on the right of the child to the enjoyment of the highest attainable standard of health, and invites the Office of the High Commissioner to prepare a report on that issue, in close collaboration with relevant stakeholders, including States, the United Nations Children's Fund, the World Health Organization and other relevant United Nations bodies and agencies, relevant special procedures mandate holders, regional organizations and human rights bodies, civil society, national human rights institutions and children themselves, and to present it to the Human Rights Council at its twenty-second session, to inform the annual day of discussion on children's rights, and to request the High Commissioner to circulate a summary report on the next full-day meeting on the rights of the child.

*55th meeting
23 March 2012*

[Adopted without a vote.]
