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

Argentina, Armenia*, Austria*, Belarus*, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria*, Canada*, Chile, Colombia*, Costa Rica*, Cuba, Cyprus*, Czech Republic*, Denmark*, Dominican Republic*, Ecuador*, El Salvador*, Estonia*, Finland*, France, Germany*, Greece*, Guatemala*, Honduras*, Hungary, Ireland*, Italy, Japan, Latvia*, Lithuania*, Luxembourg*, Malta*, Mexico, Monaco*, Montenegro*, Morocco*, Netherlands, Nicaragua, Norway, Panama*, Paraguay*, Peru*, Poland*, Portugal*, Romania*, Serbia*, Slovakia, Slovenia, Spain* (on behalf of the European Union), Sri Lanka*, Sweden*, Switzerland*, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay (on behalf of the Group of Latin American and Caribbean States), Venezuela (Bolivarian Republic of)*: draft resolution

13/...

Rights of the child: the fight against sexual violence against children

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child and the Optional Protocols thereto on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, must constitute the standards in the promotion and protection of the rights of the child, and bearing in mind other human rights instruments,

Recalling all previous resolutions on the rights of the child of the Commission on Human Rights, the Council and the General Assembly, the most recent being Council resolution 10/14 of 26 March 2009 and Assembly resolution 64/146 of 18 December 2009,

Welcoming Security Council resolution 1888 (2009) on women, peace and security and the appointment of the Special Representative of the Secretary-General on Sexual Violence in Conflict and welcoming also Security Council resolution 1882 (2009) on children and armed conflict, in which the Council requested the Secretary-General to expand the criteria by which parties are to be considered in the Secretary-General's annual

* Non-Member State of the Human Rights Council.



reports to include parties to armed conflict engaging in the killing and maiming of children, and/or rape or other forms of sexual violence against children in situations of armed conflict,

Welcoming also the appointment of the Special Representative of the Secretary-General on Violence against Children and her initial report submitted to the Council which outlines the strategic direction for advancing progress in the protection of children from all forms of violence (A/HRC/13/46),

Commemorating in 2010 the twentieth anniversary of the adoption of the Convention on the Rights of the Child and the tenth anniversary of the adoption of its two Optional Protocols,

Bearing in mind paragraph 24 of Council resolution 10/14 by which it decided to focus its next resolution and full-day meeting on the fight against sexual violence against children,

Welcoming the reports of the Special Representative of the Secretary-General for Children and Armed Conflict (A/HRC/12/49), the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), the Special Rapporteur on violence against women, its causes and consequences (A/HRC/11/6), and the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16), in particular their focus on sexual violence against children,

Reaffirming the work to promote and protect children against sexual violence carried out by relevant bodies and organizations of the United Nations system within their respective mandates, in particular, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the International Labour Organization, the World Health Organization and the United Nations Office of Drugs and Crime, and regional organizations, and intergovernmental and non-governmental organizations,

Welcoming the United Nations Action against Sexual Violence in Conflict, which unites 13 United Nations entities¹ with the goal of ending sexual violence during and in the aftermath of armed conflict,

Welcoming also the work of the Committee, on the Rights of the Child and taking note of the issuance of its general comments Nos. 11 and 12 (2009),

Recalling the World Congress III against Sexual Exploitation of Children and Adolescents and the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, and the agreed conclusions on the elimination of all forms of discrimination and violence against the girl child adopted by the Commission on the Status of Women at its fifty-first session,

Welcoming the constructive dialogue on "The fight against sexual violence against children" on the occasion of the full-day annual meeting on the rights of the child, held on

¹ The Department of Political Affairs of the United Nations Secretariat, the Department of Peacekeeping Operations of the United Nations Secretariat, the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat, the Office of the United Nations High Commissioner for Human Rights, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Development Programme, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Fund for Women, the World Food Programme, the World Health Organization and the Peacebuilding Support Office (see <http://www.stoprapenow.org/about.html>).

10 March 2010, and the renewed commitment to the implementation of the Convention expressed on this occasion by States,

Profoundly concerned that sexual violence and abuse against children occurs in all regions of the world in various forms that are all detrimental to child development and convinced that urgent and effective national action and international cooperation is needed,

Profoundly concerned also about the persistence of the practices of the sale of children, child slavery, the commercial sexual exploitation of children, child prostitution, sexual abuse and child pornography in many parts of the world, especially as fostered by the increasing use of the Internet and new technologies,

Deeply concerned about the high incidence and appalling levels of brutality of rape and other forms of sexual violence committed against children, in the context of and associated with armed conflict, including, in some instances, the use or commissioning of rape and other forms of sexual violence to humiliate, dominate, instil fear and disperse and/or forcibly relocate a population,

Stressing the need to treat all forms of sexual violence and sexual abuse against children as criminal acts, punishable by law, as well as the duty to provide access to just and effective remedies and specialized assistance to victims, including medical, psychological and legal assistance, as well as effective counselling and social services, in a manner that is age-, gender- and disability-sensitive,

1. *Strongly condemns* all forms of sexual violence and abuse against children in all settings, including incest, sexual abuse and assault, sexual harassment, rape, child pornography and child prostitution, child sex tourism, trafficking in children, the sale of children for the purposes of sexual exploitation, acts of sexual violence and abuse against children that constitute torture, and related forms of gender-based violence, including female genital mutilation or cutting and early and forced marriages;

2. *Urges* all States:

(a) To take effective and appropriate legislative and other measures or to strengthen, where they exist, legislation and policy established to prohibit, criminalize and eliminate all forms of sexual violence and sexual abuse against children in all settings;

(b) To ensure accountability and seek to end impunity of perpetrators of sexual violence and abuse against children in all settings, including in conflict and emergencies, and to investigate and prosecute such acts and impose appropriate penalties, commensurate with those for other serious crimes, recognizing that persons convicted of sexual violence against children should be prevented from working with children until such time as national mechanisms establish that they no longer pose a risk of harm to children; and, in this regard, encourages States to share relevant information, as appropriate, relating to conviction for offences of sexual violence against children, with a view to improving protection of children against such offences in other countries, as well as information on best practices on preventing convicted offenders from working with children, while safeguarding the child's dignity and right to privacy;

(c) To give priority attention to the prevention of all forms of sexual violence and abuse against children by addressing its underlying causes, including through investment in education and awareness-raising to promote social change in attitudes and behaviours that condone or normalize any form of sexual violence against children, including harmful traditional practices;

(d) To increase their commitment to timely, sustained and adequate funding for the prevention and protection of children from sexual violence and abuse as well as their recovery and reintegration, including appropriate funding for the development of research

on sexual violence against children, with a view to improving measures of prevention and intervention;

(e) To establish, maintain, strengthen or designate, in complementarity with effective governmental structures for children, independent children's rights institutions, such as children's ombudspersons or equivalents or focal points on children's rights in existing national human rights institutions or general ombudsperson offices, that are sufficiently funded and accessible to children, which should play a key role in the independent monitoring of actions taken to prevent sexual violence and abuse against children and to promote the universal realization of rights of child victims of sexual violence and abuse;

(f) To protect children from all forms of sexual violence and abuse by all those who work with and for children, including in educational, care and detention settings, as well as by Government officials, such as the police, law enforcement authorities and employees and officials in detention centres or welfare institutions, including through provision of training and education to those who work with children, and to ensure that those working with children belonging to minorities and other vulnerable groups are aware of their specific needs and rights;

(g) To develop and establish, at national and community level, effective and child-sensitive counselling, complaint and reporting mechanisms that are confidential, age-appropriate, gender-sensitive, disability-sensitive, integral, safe, well-publicized and accessible to all children, for reporting and addressing incidents of sexual violence and abuse, including in emergencies and conflicts;

(h) To provide access to immediate and, where possible, free care, recovery and social reintegration services for all child victims of sexual violence and abuse, without discrimination, that utilize an integrated and holistic approach including, inter alia, psychosocial support and education, so as to ensure their psychological recovery and full reintegration into society;

(i) To provide appropriate training and education to those who work with child victims of sexual violence and abuse, including not only educational, psychosocial and medical professionals, but also legal and law-enforcement professionals, including judges and police officers in charge of receiving complaints from child victims of sexual violence, in order to prevent further victimization;

(j) To address the gender dimension of all forms of sexual violence and abuse against children and incorporate a gender perspective in all policies adopted and actions taken to protect children against all forms of sexual violence and abuse, while acknowledging that girls and boys face varying risks from different forms of sexual violence at different ages and in different situations;

(k) To ensure the meaningful participation of children in all matters and decisions affecting their lives through their expression of their views, and that those views are given due weight in accordance with their age and maturity, including in all administrative and judicial proceedings, and that disability-, gender- and age-appropriate assistance is provided to enable the active and equal participation of all children;

(l) To ensure an active engagement of children in the development of measures of prevention, response and monitoring of sexual violence and abuse against them, including through the promotion and development of child-led initiatives;

(m) To develop, strengthen and implement well-coordinated cross-sectoral strategies or plans of action at the national and community levels to address violence against children, including sexual violence and abuse against children, within the context of comprehensive domestic child protection strategies, with realistic and time-bound targets,

and ensure the allocation of financial and human resources for their implementation, including arrangements for the monitoring and regular review of action taken to address sexual violence against children;

(n) To improve national and local data-collection and information systems on children at risk so as to inform policy and monitor progress in order to prevent sexual violence against children, while safeguarding their dignity and right to privacy and averting child stigmatization;

(o) To ensure the registration of the child immediately after birth and that registration procedures are simple, expeditious and effective and provided at minimal or no cost and to raise awareness of the importance of birth registration at the national, regional and local levels;

(p) To establish and implement regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, in addition to but not in place of criminal sanctions, safe reintegration of convicted offenders and the collection and sharing of good practices;

(q) To share good practices on all issues related to the fight against sexual violence against children and to discuss these practices in regional and multilateral forums;

3. *Also urges* all States to strengthen international commitment, cooperation and mutual assistance, including at the level of relevant government ministries and law enforcement agencies, in preventing and protecting children from all forms of sexual violence and in ending impunity for sexual violence against children, including through research, policies, monitoring and capacity-building designed to promote the implementation of agreed international standards for preventing and protecting children from sexual violence, abuse and exploitation, including child pornography;

4. *Calls upon* States to pay special attention to the protection from sexual violence and abuse of marginalized and vulnerable children, such as children belonging to minorities, children with disabilities, migrant children, indigenous children, children working and/or living on the street, refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, and children held in detention, and to take all necessary actions, including the use of detention as a measure of last resort, and to ensure that those who are victims of sexual violence receive special protection and assistance in accordance with international law;

5. *Calls upon* all States to prevent, criminalize, punish and eradicate the practices of the sale of children, child slavery, commercial sexual exploitation of children, child prostitution and child pornography, including the use of the Internet and new technologies for those practices, and to take effective measures, as appropriate, against the criminalization of children who are victims of exploitation;

6. *Urges* States to take effective measures to combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

7. *Also urges* States to take measures to protect children from sexual exploitation in travel and tourism through, inter alia, encouraging appropriate corporate social responsibility strategies and the adoption of professional codes of conduct, as well as ensuring investigation of and the bringing of appropriate charges against those who have sexually exploited a child in their own country or, in cases where a national of a State sexually exploits a child, in a foreign country;

8. *Further urges* States to encourage more effective corporate social responsibility for preventing sexual violence against children and the use of the know-how, human and financial resources, networks and structures of enterprises operating, inter alia, in tourism, travel, transport, agriculture and financial services, and of the communication, media, Internet services, advertising and entertainment sectors, and to ensure widespread public awareness on the issue of sexual violence against children;

9. *Urges* States to adopt, in order to prevent and eradicate child pornography and prevent the Internet and new technologies from being used for the production and dissemination of child pornography and solicitation of children for sexual purposes both online and offline, clear and comprehensive domestic legislation that guarantees respect for children's rights and protects them from all forms of sexual exploitation, including the use of the Internet and other new technologies for such exploitation;

10. *Calls upon* States to cooperate with the Special Representative of the Secretary-General on Violence against Children in promoting the implementation of the recommendations of the United Nations study on violence against children (see A/61/299 and A/62/209) and encourages States to provide support, including financial support, for the effective and independent performance of her mandate, while promoting and ensuring country ownership and national plans and programmes in this regard, and calls upon States and institutions concerned and invites the private sector to provide voluntary contributions for that purpose;

11. *Condemns in the strongest terms* rape and other forms of sexual violence committed against children in situations of armed conflict, and in this regard, calls upon all parties to armed conflict to comply strictly with their obligations under applicable international law to protect children in armed conflict, urges them to immediately end such practices and to take all possible measures to protect boys and girls from rape and all forms of sexual violence, and calls upon States to assist child victims of these violations in situations of armed conflict and to seek to end impunity for perpetrators by ensuring rigorous investigation and prosecution of such crimes;

12. *Welcomes* the steps taken pursuant to Security Council resolutions 1612 (2005), 1820 (2008) and 1882 (2009) and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict so as to end the practices of rape and other forms of sexual violence and calls upon all parties to armed conflict who commit these violations against children in situations of armed conflict to make commitments and prepare and implement concrete and effective time-bound action plans to end these violations;

13. *Calls upon* all States and relevant United Nations bodies and agencies and regional organizations to address the issue of sexual exploitation and abuse of children by United Nations peacekeeping and humanitarian personnel and urges States to adopt appropriate national legislation and to ensure rigorous investigation and prosecution of such crimes;

14. *Urges* all States that have not yet become States parties to the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography to do so as a matter of priority;

15. *Urges* all States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto;

16. *Urges* all States that have not yet signed and ratified or acceded to the Convention concerning the Prohibition and Immediate Action for the Elimination of the

Worst Forms of Child Labour, 1999 Convention (No. 182) of the International Labour Organization to consider doing so as a matter of priority;

Follow-up

17. *Requests* the United Nations High Commissioner for Human Rights to prepare a summary of the full-day meeting on the rights of the child, as a follow-up to paragraph 7 of Council resolution 7/29 of 28 March 2008;

18. *Invites* the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative to the Secretary-General on Violence against Children to cooperate on themes of mutual interest within their respective mandates, and to report to the Council at its sixteenth session on effective and child-sensitive counselling, complaint and reporting mechanisms to which children can safely report incidents of violence, including sexual violence and exploitation; and invites them in so doing, to cooperate with other relevant partners such as the Committee on the Rights of the Child, the Special Representatives of the Secretary-General for Children in Armed Conflict and on Sexual Violence in Conflict, States, national human rights institutions and ombudspersons for children, United Nations agencies, regional organizations, civil society organizations and children themselves;

19. *Requests* the Special Rapporteur on the sale of children, child prostitution and child pornography to present her next report to the Council at its sixteenth session;

20. *Urges* all stakeholders to integrate the rights of the child in the universal periodic review mechanism and to take into consideration the issues of violence against children, including sexual violence against children;

21. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolution 7/29, and to focus its next resolution and full-day meeting on a holistic approach to the protection and promotion of the rights of children working and/or living on the street.
