

NEW YORK MONITOR

International Service for Human Rights



Human Rights Monitor Series

NEW YORK UPDATE GENERAL ASSEMBLY, 62ND SESSION, THE RIGHTS OF THE CHILD, 17 OCT. - 29 NOV. 2007

OVERVIEW	1
General debate on the rights of children.....	3
Presentation of the report of the Special Representative of the Secretary-General for Children & Armed Conflict	4
Comments by a former child soldier and the Executive Director of the UN Children's Fund (UNICEF) 5	
Presentation of the report of the Independent Expert for the United Nations study on violence against children	5
OUTCOME	8
<i>Rights of the child</i>	8
<i>The girl child</i>	10
<i>Supporting efforts to end obstetric fistula</i>	11
<i>World Autism Awareness Day</i>	12
BACKGROUND.....	12

Overview

During the 62nd session, the Third Committee considered a range of reports on the promotion and protection of the rights of the child under agenda item 66, and adopted four resolutions, including:

- The annual omnibus resolution on the rights of the child.
- The biannual resolution on the girl child.
- A new resolution to end obstetric fistula.
- A new resolution to generate global awareness of autism.

All the drafts were adopted by consensus, except the resolution on the rights of the child, which was adopted by a vote of 176 to 1 (United States of America (USA), with no abstentions.

One of the most significant achievements of the Committee this year was its decision to appoint a Special Representative of the Secretary General on violence against children (SRSG) to act as a high-profile and independent global advocate on all matters relating to violence committed against children for a three-year term. The SRSG's mandate is articulated in the annual omnibus resolution on the rights of the child, and

provides a critical mechanism for ensuring follow up to the recommendations made in the comprehensive global UN study on violence against children¹ that was completed in 2006. The new post will also ensure continued visibility at a high level on the issue.² One particularly controversial issue was the mandate's funding, with some States emphasizing that the UN regular budget should finance the post, while others preferred voluntary contributions as the source for support. Ultimately, States agreed to support the mandate through voluntary contributions, but to review funding in three years.

Other developments and issues of note during the proceedings included:

- Presentation of the report by the Special Representative of the Secretary General on children and armed conflict, Ms. Radhika Coomaraswamy, and the report on the study on violence against children by the Independent Expert of the Secretary General, Mr. Paulo Sérgio Pinheiro, followed by interactive dialogues with Member States.
- Presentation by Ishmael Beah, a former child soldier from Sierra Leone and author of the recent book *Long Way Gone*.³
- The release of on the 10-year strategic review of Graça Machel's 1996 study⁴ "*The Impact of Armed Conflict on Children*"⁵ and comments by Member States regarding it.
- Comments by Member States on the upcoming 5-year follow up to the special session of the General Assembly on children⁶, a commemorative high-level plenary meeting to be held 11 and 12 December 2007.⁷

nnyhuh Assembly is specifically mandated to 'initiate studies and make recommendations for the purpose of ... assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion'. The 62nd session of the General Assembly⁸ takes place between September and December 2007.⁹ Each year the Assembly addresses over 150 agenda items, which are considered either in the plenary or in one of its six committees.¹⁰ This year, the Third Committee (Social, Cultural, and

¹ <http://www.violencestudy.org/r25>

² A SRSG was created (rather than a special rapporteur) because violence against children relates to the mandates of many UN bodies and agencies, and the high-level SRSG post helps ensure strong leadership and coordination. Also, several key UN agencies that will play an important follow-up role, including the World Health Organization (WHO) and the International Labor Organization (ILO), who do not have a formal relationship with the Human Rights Council or the human rights mechanisms. See http://www.crin.org/docs/QA_SRSG.doc

³ <http://www.alongwaygone.com/>

⁴ A/51/306 and Add.1. Report of the expert of the Secretary-General on the impact of armed conflict on children. The report was requested in late 1993 by the UN Committee on the Rights of the Child and the General Assembly." See <http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/1fd0f639f91c66d58025670500568703?Opendocument>. According to UNICEF's website, "In 1994, Graça Machel's reputation as an educator and children's champion led UN Secretary-General Boutros Boutros-Ghali to name her the Expert in charge of producing a ground-breaking report on the impact of armed conflict on children. also see <http://www.unicef.org/graca/>

⁵ A ten-year strategic review report by the Special Representative of the United Nations (UN) Secretary-General for Children and Armed Conflict and the United Nations Fund for Children (UNICEF) discusses the evolving and severe impact of conflicts on children and measures progress made since the Graça Machel study in 1996. Part of the findings of the strategic review process can be found in the report of the Special Representative at <http://www.un.org/children/conflict/documents/machel/MachelReviewReport.pdf>

Work continues on a comprehensive report, to be published in 2008.

⁶ See Resolution S-27/2, *A world fit for children*: http://www.unicef.org/specialsession/docs_new/documents/A-RES-S27-2E.pdf

⁷ For more information on the five year follow up session see <http://www.crin.org/resources/infoDetail.asp?ID=13931>. Also please see A/62/259, a report of the Secretary-General detailing the progress made to date in achieving the commitments noted in "*A world fit for children*" at <http://www.un.org/ga/third/62/doclist.shtml>

The Secretary-General's findings highlight the "scaled-up response by Governments to the maximum extent of their capacities, increased commitments from the international community, and stronger partnerships" required if the ambitions of the UN Millennium Declaration (see A/Res/55/2:<http://www.un.org/millennium/declaration/ares552e.pdf>) and the *Millennium Development Goals (MDGs)* are to be met. Please see <http://www.un.org/millenniumgoals/> for more information on the MDGs.

⁸ Information on the General Assembly is available at <http://www.un.org/ga/about/background.shtml>

⁹ The previous reports of the International Service for Human Rights on the General Assembly are available at <http://www.ishr.ch/hrm/archive/GA/GA%20-%20Contents.htm>

¹⁰ Information on the main committees of the General Assembly is available at <http://www.un.org/ga/maincommittees.shtml>

Humanitarian) addressed a number of issues relevant to human rights defenders under various agenda items, including the advancement of women, children's rights, the rights of indigenous peoples, the elimination of racism, the protection of refugees, and human rights questions. Numerous special procedures also reported to the Committee and engaged in an interactive dialogue with States.¹¹

The following persons were elected to the Bureau of the Third Committee: Chairperson: Mr. Raymond Wolfe (Jamaica); Vice-Chairpersons: Mr. Takashi Ashiki (Japan), Ms. Kristine Malinovska (Latvia), Mr. Alan Gibbons (Ireland); Rapporteur: Ms. Tebatso Baleseng (Botswana).

Information before the Committee

Reports submitted for consideration to the Third Committee under agenda item 66 included:

- Report of the Secretary-General on the follow-up to the special session of the General Assembly on children¹²
- Report of the Special Representative to Secretary-General for Children and Armed Conflict¹³
- Report of the Secretary-General on children and armed conflict¹⁴
- Report of the independent expert for the United Nations (UN) study on violence against children¹⁵
- Report of the Secretary-General on the girl child¹⁶
- Report of the Secretary-General on the status of the *Convention on the Rights of the Child*¹⁷

General debate on the rights of children

While efforts to protect children have substantially improved within the past ten years, it was widely agreed amongst attendees that a tremendous amount of work still needs to be done if the *Millennium Development Goals (MDGs)*¹⁸ focusing on the health, education, and well-being of the world's children are to be met. In their general statements Member States' remarks also highlighted several themes, including:

- The need to better coordinate child-specific legislation, enforcement mechanisms, and violence prevention efforts at the local, regional, national, and international levels as well as to better leverage the work of civil society and NGOs at the community level¹⁹
- The need to incorporate the perspectives of and participation by children in the judicial, legislative, cultural, and preventative solutions designed to support them²⁰
- The impact of poverty and economic development as it relates to both the stability of a child's family unit and the occurrence of familial violence²¹
- The recognition of the specific needs of the girl child as well as the types of violence committed against her²²

¹¹ A schedule of the special procedures is available at <http://www.un.org/ga/third/62/specialprocedureschedule.pdf>

¹² A/62/259: <http://www.un.org/ga/third/62/docslst.shtml>

¹³ A/62/228: <http://www.un.org/ga/third/62/docslst.shtml>

¹⁴ A/61/275: <http://www.un.org/ga/third/62/docslst.shtml>

¹⁵ A/62/209: <http://www.un.org/ga/third/62/docslst.shtml>

¹⁶ A/62/297: <http://www.un.org/ga/third/62/docslst.shtml>

¹⁷ A/62/182: <http://www.un.org/ga/third/62/docslst.shtml>

¹⁸ Statements made by Indonesia, Jamaica, Cambodia, Zambia, Norway, and Kazakhstan. More information on the *MDGs* is available at <http://www.un.org/millenniumgoals/>

¹⁹ Statements made by Canada, Myanmar, Albania, Indonesia, Jamaica, Azerbaijan, Switzerland, the Palestinian territories, Norway, Israel, South Africa, and Kazakhstan.

²⁰ Statements made by Switzerland, Zambia, Norway, Malawi, and Kazakhstan.

²¹ Statements made by Cambodia, Zambia, South Africa, Myanmar, Indonesia, Philippines, Jamaica, and the Dominican Republic (on behalf of the RIO Group).

²² Statements made by Switzerland, Jamaica, Israel, Azerbaijan, and the International Committee for the Red Cross.

Presentation of the report of the Special Representative of the Secretary-General for Children & Armed Conflict²³

The presentation of the Special Representative of the Secretary-General for children and armed conflict, Ms. Radhika Coomaraswamy, to the Third Committee on 17 October 2007 centred on children's involvement as critical to post-conflict peacemaking and peace building processes. She underscored the importance of viewing children and armed conflict through a multi-faceted lens, noting that the nature of and participants in armed conflict continue to evolve, gravely affecting the plight of children caught in the crossfire.

While detailing successful efforts underway at the local, national, regional, and international levels, Ms. Coomaraswamy stressed that more cooperation, complementarity, and political will across governments, non-State actors, UN entities, and civil society are needed to more comprehensively eradicate the grave violations committed against these children. She also called attention to the importance of education and its ability to prevent children from becoming involved in conflicts, and instead encourages their participation in post-conflict community rebuilding efforts.

Ms. Coomaraswamy's report²⁴ is broken down into two sections. The first part focuses on key developments and thematic issues relating to children, taking special note of her insights from several country visits made to Africa, South Asia, and the Middle East since 2006.²⁵ The second half of the report highlights Ms. Coomaraswamy's strategic observations on the global progress made to protect the rights of children since the Machel study's debut in 1996.²⁶ She also cites critical national and international level improvements that are needed to combat impunity for crimes committed against children living in dangerous conditions.

Interactive Dialogue

A number of States contributed to the enthusiastic and lengthy dialogue following Ms. Coomaraswamy's presentation.

The Palestinian territory asked Ms. Coomaraswamy to comment on the use of children as human shields, and Lebanon asked what could be done to prevent events such as Israeli cluster bombs from killing children. Israel expressed concern about Palestinian terrorists' effects on Palestinian and Israeli civilians and as well as the terrorists' use of children as perpetrators of violence. Syria wished Ms. Coomaraswamy's report had included more details about the number of children affected by the Palestinian conflict as well more information on efforts taking place to protect children since the General Assembly's special session on children in 2002. In addition, Syria asked the Special Representative to clarify whether her mandate included children living under foreign occupation. The impact of abject poverty in relation to violence against children was also brought up by the Palestinian territory.

Gabon asked Ms. Coomaraswamy to recommend legislative actions the international community should immediately take. The Russian Federation asked how the international community's collective efforts to protect children caught in armed conflict could be first focused in places where violence against children is most cruel and widespread. Norway asked how the international community could better link its peace building efforts with its attempts to combat violence against children. They also queried about ways to develop clearer child protection guidelines at the national level. Australia welcomed the prosecution of persons alleged to be recruiting child soldiers by the International Criminal Court.

²³ Ms. Radhika Coomaraswamy is the Special Representative on Children and Armed Conflict. Her mandate was created by A/RES/51/77 in February 1997. More information about her work is available at:

<http://www.un.org/children/conflict/english/theoffice40.html>

²⁴ A/62/228: <http://www.un.org/ga/third/62/doclist.shtml>

²⁵ In her report, Ms. Coomaraswamy cites the in-country visits she made to Sri Lanka (November 2006); Sudan (January 2007); the Democratic Republic of the Congo and Burundi (March 2007); Lebanon, Israel, and the Palestinian territories (April 2007); Myanmar (June 2007).

²⁶ <http://www.unicef.org/graca/>

Chile asked for recommendations how and reasons why to implement *The Paris Principles* with respect to the girl child.²⁷ The Republic of Korea asked the Special Representative to further elaborate on her insights about the use and role of rape against the girl child in the Democratic Republic of the Congo (DRC). Nigeria wondered whether children like Mr. Beah could make more presentations to local communities in Africa to help educate them about how to combat the use of children as soldiers.

In her response, Ms. Coomaraswamy insisted that humanitarian law must evolve to keep up with the changing nature of armed conflict (e.g., influence of gangs and non-state actors; changes in terrorist and victim profiles). In reply to Syria's question about the documentation of children affected by armed conflict (including those within the Palestinian territories), Ms. Coomaraswamy said this information was indeed included in her report.²⁸ She further emphasized the importance of incorporating youth representation in national governments' systems at the state and local levels to ensure children's needs are being adequately met across all aspects of the society. With respect to the Republic of Korea's question about use of rape against the girl child in the DRC, Ms. Coomaraswamy noted her grave concern regarding its prevalence, stating that these perpetrators should be regularly 'named and shamed' in the Security Council.

Comments by a former child soldier and the Executive Director of the UN Children's Fund (UNICEF)

Mr. Ishmael Beah, the author of the recent book *Long Way Gone*,²⁹ addressed the Third Committee and spoke of his own traumatic experience as a former child soldier, underscoring the gravity of this type of human rights violation and the particular vulnerability children face during armed conflicts. Mr. Beah described the lengthy and painful recovery he underwent to rejoin his community and the positive developments in his life over the past ten years. He said that the Machel study had unquestionably broadened the definition of the children within armed conflict yet there is still an urgent need to further expand upon the report's findings and to incorporate more situations where the rights of children are compromised. Mr. Beah said the while involvement of the Security Council has helped elevate this issue globally, each Member State must take national action to ensure that the next generation of children are not damaged. Mr. Beah called for the prioritization of children's needs in all situations (post-conflict, peace building, education, social services, and health support) and asked the international community to proactively engage in dialogues about children's concerns and rights when conflicts first appear (as opposed to waiting until they become protracted and difficult to solve).

The Executive Director of UNIFEM, Ms. Ann Veneman, underlined the importance of health and education as pillars for UNICEF's ongoing success. She noted that integration of young voices within UNICEF's work is essential in identifying what curricula and relief efforts best support children caught in armed conflict. She stressed that reintegration programs for former child soldiers remain critical, and also the importance of partnering with local communities to ensure that former child soldiers are assimilated and to help them acknowledge the brutal impact of rape upon girls.

Presentation of the report of the Independent Expert for the United Nations study on violence against children³⁰

In his address to members of the Third Committee, Mr. Paulo Pinheiro, the Independent Expert for the UN study on violence against children delivered comments on his report on the first year of follow up to the UN Study on Violence against Children³¹, which provides information on the dissemination of the study and on progress made in the initial phase of follow-up to the Study. He said that the report aims to elevate the issue of violence against children globally and stressed that mainstreaming preventative efforts at the national and

²⁷ In its statement, Chile cited "*The Paris Principles: Principles and guidelines on children associated with armed forces or armed groups*", February 2007; <http://www.unicef.org/media/files/ParisPrinciples310107English.pdf>

²⁸ See Paragraphs 93-99, A/62/228: <http://www.un.org/ga/third/62/doclist.shtml>

²⁹ <http://www.alongwaygone.com/>

³⁰ Mr. Paulo Sérgio Pinheiro is the Independent Expert on violence against children. More information about his work is available at: <http://www2.ohchr.org/english/bodies/crc/pinheiro.htm>

³¹ A/62/209: <http://www.un.org/ga/third/62/doclist.shtml>.

regional levels would ultimately provide the framework for political and social mobilization at the local ranks.. He underscored the importance of changing populations' perceptions from accepting to outlawing violence against children. Mr. Pinheiro underscored the effectiveness of international pressure and political confrontation between the international community and individual Member States with respect to egregious violations of the rights of children while encouraging more universal implementation of his report's recommendations. He noted that the fragmentation of preventative efforts at the international, regional, and local levels continue to dilute the effectiveness of these attempts and stressed that scaling up national and regional protection mechanisms are a viable solution. Mr. Pinheiro avowed that violence against children must receive sustained high level attention and coordination – something the issue is not currently receiving – and therefore lobbied the Third Committee to appoint an SRSG to focus exclusively on combating violence against children for a period of four years.

While acknowledging achievements at the state and international levels in the past year, Mr. Pinheiro's report provides a sober reflection on the continued "universality and magnitude" of violence committed against children³² while proposing several recommendations to eradicate it, including the:

- national prioritization of violence against children by all Member States
- integration of children's needs and voices at both the local, State, and international levels
- international community's commitment to education, awareness-raising, and human rights values

Interactive Dialogue

During the interactive debate that followed the Independent Expert's presentation, over 20 delegations took the floor. Argentina asked Mr. Pinheiro to define the factors that contribute to impunity for the perpetrators of violence committed against children, and along with Portugal, queried which of these issues are the most urgent for the international community to address. Brazil, Thailand, and Portugal asked Mr. Pinheiro to provide successful examples of multi-disciplinary approaches to eradicating violence against children and if there were any commonalities across them. Norway asked Mr. Pinheiro how he envisaged assessing the progress of the implementation of his report's recommendations. Finland asked for concrete examples of ways to include youth in planning and implementation efforts. Chile asked what might be the types of violence in developed and developing countries that require strong advocacy from the UN.

In reference to Mr. Pinheiro's recommendations targeted at UN agencies,³³ the Russian Federation asked when these recommendations were expected to take place, which agencies were taking the lead, and how their success would be quantified. Singapore disagreed with Mr. Pinheiro's linking of corporal punishment with violence against children, something it noted was not mentioned in the *Convention of the Rights of the Child*.

Mr. Pinheiro began his response by elaborating upon his recommendation for the appointment of a SRSG. He reiterated that this post did not in any way overlap with the mandate of the Special Representative of Children and Armed Conflict given the situation's existence in just 20 countries. Although other Special Rapporteurs are recognized in the public debate (such as on the trafficking of women and girls as well as on violence against women), Mr. Pinheiro noted that what exists is, in fact, a gap in the protection of children (especially as it relates to mentally disabled or institutionalized children). He cited the report's primary focus is to call for further implementation of his study because no guarantee exists to ensure that mandates supporting the eradication of violence against children will continue. With respect to children and youth in occupied territories, Mr. Pinheiro said he considers this issue to fall within the mandate of the Special Representative on Children and Armed Conflict.

He also stressed that impunity exists because of an absence of information and awareness of the problem due to shortcomings in juvenile justice systems and that it was difficult for him to select specific priorities from his twelve recommendations for implementation.

³² See Paragraph 2, <http://www.un.org/ga/third/62/docslst.shtml>

³³ See Paragraph 74, A/62/209: <http://www.un.org/ga/third/62/docslst.shtml>

In terms of why he was calling upon Member States to take immediate action, Mr. Pinheiro remarked that high level attention must be maintained because violence against children is neither acceptable nor justified, and therefore must be addressed as a matter of priority. He noted that a high degree of acceptance of violence against children also continues due to a lack of reliable mechanisms for the presentation of complaints and that support of and collaboration with UN agencies remain critical. Mr. Pinheiro added that he is convinced child participation makes a difference in the quality of the solutions targeted at them. He also agreed with Cameroon that poverty has been widely acknowledged as an underlying cause for violence against children.

Mr. Pinheiro said cultural revolutions remained problematic and that lax attitudes about the acceptability of violence against children cannot be changed easily. He noted, instead, that violence against children can be more successfully fought through holistic and integrated national and international efforts as well as through Member States' continuous dialogue with all levels of civil society.

With respect to Singapore's comment about the association of corporal punishment with violence against children, Mr. Pinheiro said that he was following the interpretation of the *Convention of the Rights of the Child* by its treaty body monitoring committee.³⁴

The creation of an SRSG on violence against children

During the interactive debates with Ms. Coomaraswamy and Mr. Pinheiro, as well as during the general debate on children's rights, Member States discussed their views on the proposed creation of an SRSG devoted to the prevention of violence against children.³⁵

Member States expressing support for the creation of an SRSG on violence against children included:

- Norway, Portugal, Chile, Iceland, Ecuador, Myanmar, Uruguay, Brazil, Peru, Israel, Croatia, and Jamaica
- Cameroon (highlighting that ongoing violence is due to poverty)
- Lebanon, Syria, Yemen, and Libya (underscoring the importance of including children living under foreign occupation)
- Egypt (nothing it should be funded out of the UN general budget, rather than by voluntary contributions from Member States)

Member States registering queries or concerns with the creation of this post included:

- the USA (agreeing to "seriously consider the request")
- New Zealand and Japan (asking about overlap between the potential SRSG's mandate and the existing ones of the Special Representative for Children and Armed Conflict and of the Special Rapporteur on the sale of children, child prostitution and child pornography)
- the Russian Federation (querying about the gaps that exist across the mandates for all child-focused special procedures)
- Sudan and Colombia (requesting more time to analyze the issue)
- Switzerland (expressing concern about duplications in the system and deemed UNICEF the best situated institution to follow up on violence against children)

³⁴ See the Committee for the Rights of the Child's general comment No. 8 (2006) (The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment): <http://www.iicrd.org/cap/generalcommentcorporalpunishment>

³⁵ <http://www.un.org/News/Press/docs/2007/gashc3888.doc.htm>

Side event: Over 1,000 NGOs petition the General Assembly to establish a Special Representative to the Secretary-General on violence against children.

On October 19, during a special event in one of the United Nations conference rooms, NGO representatives from Africa, Asia, Europe, Latin America and the Caribbean, and the Middle East and North Africa presented a petition endorsed by over 1,000 nongovernmental organizations (international, national and regional) from 134 countries to the General Assembly. The petition called on the General Assembly to establish a Special Representative to the Secretary-General on violence against children calling for a high-level post to follow up a comprehensive global UN study on violence against children that was completed in 2006.

OUTCOME

Rights of the child (convened by Portugal and Uruguay)³⁶

The resolution:

- Appoints a Special Representative of the Secretary General on violence against children (SRSG) to act as a high-profile and independent global advocate on all matters relating to violence committed against children for a three year term.
- Recommends, *inter alia*, that the SRSG should: closely collaborate with the Special Representative of the Secretary-General for Children and Armed Conflict to coordinate activities and “ensure that no child, in any situation at risk of violence, is left uncovered”; enhance coordination and communication among key actors (including the UN system, member states, NGOs, children and youth); promote and support the implementation of the recommendations of the UN study on violence against children; and identify and share good practices.
- Encourages UNICEF, the Office of the High Commissioner for Human Rights, the World Health Organization and the International Labour Organization to cooperate with and provide support to the Special Representative, including financial support, and calls upon States and institutions concerned and the private sector to provide voluntary contributions for that purpose.
- Invites States, UN agencies, and relevant civil society stakeholders to determine national and international next steps following Graça Machel’s 1996 study on the “Impact of armed conflict on children.”
- Condemns the recruitment of children as soldiers and urges States to legislate and penalize all forms of physical, mental, psychological, and sexual violence committed against them.
- Highlights the importance of including children as participants in community peacekeeping, peace making and peace building dialogues.
- Reiterates that States and the international community should attempt to eradicate poverty and better protect the interests of children so they may freely enjoy their human rights.
- Calls upon States to implement efforts to eliminate labour practices that negatively affect children’s health, development, and/or education.
- Requests the Secretary-General (SG) and the Special Representative of the Secretary-General for Children and Armed Conflict to submit reports during the General Assembly’s 63rd session
- Asks the General Assembly to focus on child labour and on the right of the child to freely express his/her views on issues affecting him/her (in 2008 & 2009, respectively)

The 17-page omnibus text is split into four main sections:

- Implementation of the Convention on the Rights of the Child and its Optional Protocols;
- Protection and promotion of the rights of the child and non-discrimination against children (which includes, *inter alia*, subsections on: children affected by armed conflict, the economic and social well being of children, child labour, and the prevention and eradication of eradication of the sale of children, child prostitution and child pornography).
- Elimination of violence against children.

³⁶ A/C.3/62/L.24/Rev 1: <http://www.un.org/ga/third/62/propolist.shtml>

- Follow up.

The most significant development this year in the draft omnibus resolution occurred within the third focus area 'elimination of violence against children' with the creation of a Special Representative to the Secretary-General on violence against children (SRSG).³⁷ The mandate's inclusion creates a single comprehensive directive unifying all efforts and initiatives undertaken by the UN system with respect to violence against children. The text directs the new appointee to present an annual report to the General Assembly, the Human Rights Council, and the Economic and Social Council (ECOSOC) on the status of efforts to eliminate violence against children. While Portugal (on behalf of the European Union (EU)) and the Group of Latin American and Caribbean Countries (GRULAC)³⁸ supported this new mandate, other countries were reticent about it, including the USA, Japan, New Zealand, and Switzerland, either because of funding concerns and/or issues with the mandate's potential overlap with the Special Representative on Children and Armed Conflict. Member States voiced the need to coordinate efforts and avoid redundancies with respect to Ms. Coomaraswamy and the proposed new mandate. A related debate ensued in the informals where some Member States belonging to the Organization of the Islamic Council (OIC), including Qatar, Lebanon, and Jordan, argued that Ms. Coomaraswamy's mandate does not include or adequately prioritize the rights of children living under foreign occupation, while Portugal and Uruguay (the resolution's co-sponsors) disagreed. This particular concern is not dealt with in the text.

The language describing follow-up measures to the Special Representative on Children and Armed Conflict's report also proved to be somewhat controversial with respect to the commitments Member States are willing to make to combat the problem. The text was watered down as a result, merely "taking note" of the report's existence; "carefully" studying its recommendations; and recognizing "the need for ongoing discussions on the issues raised" within it.

With respect to the subject of corporal punishment, another contentious topic over the years, no noteworthy discussions have taken place because the text from last year's resolution has been incorporated. Last year, to achieve consensus, the sponsors deleted all references to corporal punishment and instead replaced it with 'all forms of physical and mental violence' or 'any form of cruel or degrading punishment'.³⁹ This inability to explicitly refer to corporal punishment remains a disappointment for many NGOs, since both by UN Secretary-General's Study on Violence Against Children and the Committee on the Rights of the Child have made the recommendation to prohibit and eliminate it.

In addition, last year's resolution had an entire section devoted to children and poverty; this year's text has been significantly scaled back on this area, replacing it with three more focused operative paragraphs that collectively underscore the importance of achieving the relevant MDG in this context. The bulk of the text on this year's resolution regarding the right to education, right to the enjoyment of the highest attainable standard of health, and the right to food was simply lifted from last year's text to this one.

The vote

176 States voted in the resolution's favour, with no abstentions in the Third Committee and the General Assembly. The USA continued its long standing practice of casting the sole vote in opposition. While agreeing with many of the resolution's principles, the USA said the *Convention of the Rights of the Child (CRC)* conflicts with many of its state and local laws. During the vote in the Third Committee, the delegation called upon the Committee to write a shorter and more focused text that concentrates on children's issues not adequately addressed in other resolutions. It also reiterated that the current resolution contains language that the USA has repeatedly asked the sponsors to amend.

³⁷ The Independent Expert had also recommended the creation of such a post in 2006, but at that time the request went unheeded.

³⁸ GRULAC includes Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts & Nevis, Saint Lucia, Saint Vincent & the Grenadines, Suriname, Trinidad & Tobago, Uruguay, and Venezuela.

³⁹ See ISHR's "Promotion and Protection of the Rights of Children during the General Assembly's 61st session: http://www.ishr.ch/hrm/archive/GA/GA61/children_61.pdf

Switzerland decided to withdraw its co-sponsorship because it believed the negotiations were not transparent, citing that the co-sponsors had met on several occasions prior to widely circulating the text. Along with Switzerland, New Zealand also criticized the text's length, repetitiveness, lack of focus on key issues, and reactive approach towards the myriad of violations committed against children. The Swiss delegation further commented that the mandate for the new SRSG was minimally discussed and that most of the resolution was simply previously agreed upon language.

As one of the resolution's co-sponsors, Egypt along with Lebanon (referencing operative paragraph 61⁴⁰) hoped that the dual roles of the Special Representative for Children and Armed Conflict as well as the new Special Representative on violence against children (SRSG) will ensure that the rights of children living under foreign occupation do not fall through the cracks. It also called for the new SRSG to be funded from the regular budget. With respect to operative paragraph 58⁴¹, Lebanon also underscored the need for the new SRSG and its office to remain independent. Syria, on the other hand, believes that operative paragraph 61 confers a clear mandate upon the new SRSG to address the situation of children caught in these dangerous conditions.

Japan voted in favour of the resolution but declared that, with respect to operative paragraph 57 (e)⁴², the Japanese government retains the legal authority to prosecute perpetrators based upon their character and potential for rehabilitation.

The girl child⁴³

The resolution:

- Calls upon States and the international community to create a supportive environment that guarantees “the well-being of the girl child” and improves her situation through the community’s cooperation and participation in local, national, and global efforts to eradicate poverty.
- Urges States to legislate and penalize all forms of abuse committed against the girl child including sexual violence and exploitation (including rape, incest, and domestic violence); female infanticide and prenatal sex selection; female genital mutilation; child prostitution; child pornography; trafficking, forced migration and forced labour; and early or forced marriage.
- Urges States to eliminate all forms of discrimination and violence committed against women and girls through the development of holistic and integrated national programmes, legislation, and campaigns.
- Directs States to take special measures focusing on the promotion and protection of the rights of the girl child especially in vulnerable pre-conflict, conflict and post-conflict situations.
- Condemns all acts of sexual exploitation, abuse, and trafficking committed by military, police and civilian participants involved in United Nations operations against women and girl children.
- Insists that all special procedures and treaty monitoring bodies of the Human Rights Council adopt a comprehensive gender perspective into their respective mandates and to provide information about relevant violations in their reports.
- Requests the Secretary-General to submit a report to the 64th session of the General Assembly and for his report to include a special focus on ‘ending female genital mutilation’.

⁴⁰ Para 61 “Requests the Special Representative of the Secretary-General on violence against children, upon her/his appointment, and the Special Representative of the Secretary-General for Children and Armed Conflict to cooperate and coordinate their activities in carrying out their respective mandates, bearing in mind their complementarity, in order to ensure that no child at risk of violence, in any situation, including situations of armed conflict, foreign occupation, genocide, crimes against humanity, war crimes, terrorism or hostage-taking, or where peacekeeping operations are deployed, is left uncovered;”

⁴¹ Para 58 “Requests the Secretary-General to appoint for a period of three years a Special Representative on violence against children, at the highest possible level, after which the mandate should be evaluated, including with regard to its funding, and ensure that the necessary support is made available to the Special Representative for the effective performance of his/her mandate, encourages the United Nations Children’s Fund, the Office of the United Nations High Commissioner for Human Rights, the World Health Organization and the International Labour Organization to cooperate with and provide support to the Special Representative, including financial, and calls upon States and institutions concerned, and invites the private sector, to provide voluntary contributions for that purpose”.

⁴² Para (e) “Urges all States to end impunity for perpetrators of crimes against children, investigate and prosecute such acts of violence and impose appropriate penalties”.

⁴³ A/C.3/62/L.23/Rev 1: <http://www.un.org/ga/third/62/propslist.shtml>.

This biennial draft resolution, according to Zambia⁴⁴ the main sponsor, has a new emphasis on development over rights. However the rights framework of the resolution remain intact and the text builds upon General Assembly resolution on the girl child from its 60th session.⁴⁵

In the paragraph that urges States to “legislate and penalize all forms of abuse committed against the girl child”, the phrase “forced migration” has been added this year to the list of types of sexual violence and exploitation the girl child is subject to.⁴⁶ The text underlines a variety of types of sexual violence and exploitation, including premature sexual relations; various forms of cultural, social, sexual, and economic exploitation; sexual abuse; rape, incest; harmful traditional practices, including female infanticide, early marriage, and forced marriage; prenatal sex selection; female genital mutilation; honour-related crimes; obstetric and traumatic fistula; and the impact of HIV/AIDS on her health). In addition, phrasing from several UN documents (including from other UN fora) are referenced, including: the Commission on the Status of Women’s (CSW) “*Agreed conclusions on the elimination of all forms of discrimination & violence against the girl child*”⁴⁷, and the CSW’s *Resolution 2007/9 “Ending female genital mutilation”*.⁴⁸

The Third Committee and the General Assembly adopted the resolution by consensus. In its statement made after the resolution was passed, the USA clarified that references to the *Beijing Declaration and Platform for Action* and its follow-up (in pre-ambular paragraph 6) as well as the term “international consensus” (in pre-ambular paragraph 12 and in operative paragraphs 7 and 18) do not create, support, or endorse any rights to abortion. The USA also noted that operative paragraph 3 bis’ reference to education was not consistent with international human rights law and the *Universal Declaration on Human Rights*. The delegation from Iran clarified that it is not committed to instruments to which the Iranian government is not a party.

Supporting efforts to end obstetric fistula (convened by Senegal)⁴⁹

The resolution:

- Defines obstetric fistula as a childbearing injury women sustain during prolonged or obstructed labour that leaves them with chronic incontinence.⁵⁰
- Aims to educate the public about obstetric fistula - a preventable condition - and to put an end to the suffering of women everywhere who are afflicted by it.
- Focuses on the eradication of obstetric fistula and builds upon the *Beijing Declaration and Platform for Action*, relevant discussions during the 23rd special session of the General Assembly, and the Declaration adopted during the 49th session of the Commission of the Status of Women.
- Mandates Member States to provide comprehensive legislation, education, training, and health care services as measures to eliminate the root causes of obstetric fistula in support of the human rights of women and girls.

⁴⁴ The resolution was convened by Zambia on behalf of the Southern African Development Community (SADC). SADC represents which includes Angola, Botswana, the Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe.

⁴⁵ A/Res/60/141: <http://www.un.org/Depts/dhl/resguide/r60.htm>

⁴⁶ A/C.3/62/L.23/Rev 1: <http://www.un.org/ga/third/62/propslist.shtml>, OP13

⁴⁷ See Page 1, Chapter 1, E/2007/27 E/CN.6/2007/9, *Commission on the Status of Women Report on the fifty-first session - Agreed conclusions on the elimination of all forms of discrimination and violence against the girl child*; <http://www.un.org/womenwatch/daw/documents/ecosoc2007.htm>

⁴⁸ See Page 24, Resolution 51/2, E/2007/27 E/CN.6/2007/9, *Commission on the Status of Women Report on the fifty-first session - Ending female genital mutilation*;

<http://www.un.org/womenwatch/daw/documents/ecosoc2007.htm>

⁴⁹ A/C.3/62/L.21/Rev 1: <http://www.un.org/ga/third/62/propslist.shtml>

⁵⁰ According to the United Nations Population Fund (UNFPA), obstetric fistula is an injury of childbearing that has been relatively neglected, despite the devastating impact it has on the lives of girls and women. It is usually caused by several days of obstructed labour, without timely medical intervention — typically a Caesarean section to relieve the pressure. The consequences of fistula are life shattering: The baby usually dies, and the woman is left with chronic incontinence. Because of her inability to control her flow of urine or faeces, she is often abandoned or neglected by her husband and family and ostracized by her community. Without treatment, her prospects for work and family life are greatly diminished, and she is often left to rely on charity.

- Encourages the United Nations Development Fund (UNDP) and for the United Nations Population Fund (UNFPA) to continue their global campaigns and efforts focused on eradicating obstetric fistula.
- Calls for the Secretary-General to issue a report to the 63rd assembly under the agenda item “Advancement of Women” (instead of under the agenda item on the Rights of Children, where discussion of the issue currently resides)

This new resolution was convened by Senegal, who closely collaborated with the United Nations Population Fund (UNFPA)⁵¹ on the text. A welcome African initiative,⁵² a developing world issue, the process of making the resolution was educational for many involved.⁵³

The eradication of obstetric fistula is closely related to *Millennium Development Goal* Number 5 (focusing on the improvement of maternal deaths by 2015). Moreover, the fact that two million women in the developing world live with this condition (along with the millions more afflicted by it each year) underscores the massive failures that continue to plague the global health system.

This resolution was adopted by consensus in the Third Committee and the General Assembly. In its statement to the Third Committee, the USA recalled that references to the *Beijing Declaration and Platform for Action* mentioned in pre-ambular paragraphs 1 & 6, as well as in operative paragraph 2, do not create, support, or endorse any rights to abortion. It said that both pre-ambular and operative paragraphs 3 do not imply that Member States must implement obligations to human rights instruments under those they aren't a party to. The delegation also made clear that while operative paragraph 10 says that UNFPA's global campaign to eradicate obstetric fistula is one of several alternatives available for Member States to leverage, the cause in and of itself should not be considered a new *MDG*.

World Autism Awareness Day (convened by Qatar)⁵⁴

This Third Committee and the General Assembly adopted this new resolution by consensus. It seeks to promote the global consideration of the causes of autism⁵⁵ and the challenges this “lifelong developmental disability” presents to children afflicted by it through the designation of 2 April as World Autism Awareness Day beginning in 2008.

BACKGROUND

The General Assembly is the main deliberative organ of the UN. It is composed of representatives of all member States and has a general mandate to discuss and make recommendations on any matters within the scope of the *United Nations Charter*. Under Article 13 of the Charter, the General Assembly is specifically mandated to ‘initiate studies and make recommendations for the purpose of ... assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion’. The regular session of the General Assembly runs from the beginning of September to the end of December. Each year the GA addresses over 150 agenda items, which are considered either in the plenary or in one of its six committees.⁵⁶ The Third Committee (Social, Cultural, and Humanitarian) addresses most agenda items relevant to human rights defenders, including advancement of women, children's rights, the rights of indigenous peoples, the elimination of racism, and human rights questions. Numerous special procedures also

⁵¹ In 2003, UNFPA spearheaded the global Campaign to End Fistula, a collaborative initiative to prevent fistula and restore the health and dignity of those living with its consequences. See http://www.endfistula.org/q_a.htm

⁵² Once common throughout the world, fistula has been virtually eliminated in Europe and North America through improved obstetric care. Fistula is most common in poor communities in sub-Saharan Africa and Asia where access to or use of obstetric care is limited.

⁵³ Fistula is a relatively hidden problem, largely because it affects the most marginalized members of society: young, poor, illiterate women in remote areas. Many never present themselves for treatment. Because they often suffer alone, their terrible injuries may be ignored or misunderstood.. From http://www.endfistula.org/q_a.htm

⁵⁴ A/C.3/62/L.22: <http://www.un.org/ga/third/62/propolist.shtml>

⁵⁵ Autism, as defined by Resolution A/C.3/62/L.22 is referred to as a “neurological disorder that affects the functioning of the brain”.

⁵⁶ Information on the main committees of the General Assembly (GA) is available at <http://www.un.org/ga/maincommittees.shtml>

report to the Third Committee on a number of these issues and engage in an interactive dialogue with States. The Fifth Committee (Administrative and Budgetary) is also particularly relevant to human rights defenders since it evaluates and approves the budgetary requirements arising out of the work of the other five committees. After completing their work, the Third and the Fifth Committee, as well as the other three main committees, submit draft resolutions to the General Assembly for final adoption.

NEW YORK MONITOR STAFF

Michelle Evans, Representative to the UN, New York

Vanessa Jackson, Human Rights Officer, New York

CONTRIBUTORS

Laurie Cohen, Intern

Krishna Murali, Intern

ABOUT THE PUBLICATION

The New York Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments in the UN in New York.

SUBSCRIPTION

If you wish to receive New York Monitor reports by e-mail when they are published, please e-mail information@ishr.ch with 'New York Monitor' in the subject line. To see the New York Monitor reports online, please visit <http://www.ishr.ch/hrm/nymonitor>. Your e-mail address and personal information will not be shared or sold to any third parties. We may from time to time send you a notification about other publications in the Human Rights Monitor Series that you may be interested in downloading or subscribing to.

COPYRIGHT AND DISTRIBUTION

Copyright © 2007 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

DISCLAIMER

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on or any use of this publication. We are however happy to correct any errors you may come across so please notify information@ishr.ch.