



**Resolutions of  
The 2001 World Congress  
on Family Law  
and the Rights of  
Children  
and Youth**

Bath, England  
19-22 September 2001



**THE WORLD CONGRESS ON FAMILY LAW AND THE RIGHTS OF CHILDREN AND YOUTH AT THE CONCLUSION OF ITS THIRD MEETING ON 22 SEPTEMBER 2001, PASSED THE FOLLOWING RESOLUTIONS BY CONSENSUS:**

### **A. Current World Crisis**

#### 1. World Crisis

Last week's calculated atrocity in the United States has left us all feeling vulnerable and insecure. Children sense our anxiety.

Sadly, events in New York have led to the postponement of the United Nations Special Session on the Rights of the Child. That imposes a special responsibility upon those of us who have been able to attend this Congress.

Our professional responsibilities to children have been the focus of our deliberations over the past few days. While we were reviewing the way in which the law affects young people, leaders of the world's communities have been taking crucial decisions about the future our children will inherit.

As a significant international gathering, we have the opportunity to make our feelings known to these decision-makers.

Violence and injustice have already left too many of the world's children maimed in body and mind. Young people look to adults for protection and guidance. The adult response to conflict not only shapes the immediate environment, but provides a model for future generations.



This Congress urges all leaders dealing with the crisis in which we are now engulfed to make children the focus of their deliberations, so that we and our children shall inhabit a safer world.

### **B. Implementation of the United Nations Convention on the Rights of the Child**

#### 2. The United Nations Convention on the Rights of the Child

This Congress urges all States Parties to the United Nations Convention on the Rights of the Child to take, as soon as practicable, all steps necessary according to their constitutional requirements to incorporate or otherwise give effect to, the provisions of that Convention as part of their domestic law.

#### 3. The Right of Children with a Disability to be Heard

Having regard to the special responsibility to mentally or physically disabled children as recognised in Article 23 of the Convention on the Rights of the Child, this Congress acknowledges that such children have the right to an equal voice in the legal system, and calls on States to provide for a wider variety of specialist skills and techniques to allow the fullest contribution from those children. States should also recognise the role that non-governmental organisations can play to ensure that disabled children have equal access to the law and equal opportunities within the court system.



#### 4. Children's Commissioners

Having regard to Article 17 of the United Nations Convention on the Rights of the Child, this Congress supports the appointment of children's commissioners who are independent of the executive government, one of whose tasks would be to monitor media standards in relation to children and to develop partnerships with media that protect children and promote their rights.

#### 5. Media and the Rights of the Child

Recognising the enormous contribution mass media can make to the understanding of children's rights, this Congress calls on media owners, journalists and the advertising industry to consider the extent to which their own practices may be in breach of the principles of the United Nations Convention on the Rights of the Child. This Congress urges the promotion of existing guidelines and codes of conduct such as those of the International Federation of Journalist when dealing with, or reporting on, children.

#### 6. Articles 37 and 40 of the UN Convention on the Rights of the Child

This Congress urges the Committee on the Rights of the Child to ensure compliance with a detailed framework for scrutinising and reporting on the compliance of States Parties to the United Nations Convention on the Rights of the Child in respect of the implementation of Articles 37 (prohibiting the torture and the unlawful or arbitrary detention of children) and 40 (providing for the right of a child accused of a crime to be treated in a manner consistent with the child's sense of dignity and worth, taking into account the child's age and aiming at the child's re-integration into society) of that Convention.



### 7. Separated Children and the Rights of the Child

The phenomenon of children being separated from their parents through war, civil strife, natural disasters and other causes, is increasing. All governments, inter-governmental agencies and international non-governmental organisations should work together to ensure that the rights of separated children, as established under Article 9 of the United Nations Convention on the Rights of the Child, are realised.

### **C. Protection of Juveniles from Harsh and Cruel Punishment, Violence and Abuse**

### 8. Imposition of the Death Penalty on Juvenile Offenders

This Congress calls upon all the politicians, lawyers and communities of all nations to take the necessary steps to ensure that throughout the world the provisions of Article 6(5) of the International Covenant on Civil and Political Rights (1966) which proscribe the imposition of a sentence of death for crimes committed by persons while below the age of 18, are observed with full rigour.

### 9. Juvenile Justice

This Congress calls upon all jurisdictions to abolish any substantive, procedural or administrative laws that curtail discretion by compelling competent authorities (including but not limited to juvenile justice decision-makers) to impose a mandatory disposition of detention or imprisonment upon children or young persons.



### 10. Corporal Punishment

This Congress supports the global initiative to end all corporal punishment of children. We call on our respective governments to declare their opposition to corporal punishment of children and to set a timetable for its elimination through public education and legal reform.

### 11. Prevention of Abuse and Other Forms of Violence to Children

This Congress supports the further development of integrated multi-sectoral (e.g. health, legal, mass media, education, communities and non-government organisations) approaches to prevention of abuse and other forms of violence to children as exemplified by the collaboration between the International Society for the Prevention of Child Abuse and Neglect (IPSCAN) and the World Health Organisation.

## **D. The Hague Conference on Private International Law**

### 12. The Hague Convention on Inter-country Adoption 1993

There is a demonstrable need for a globally well-regulated system governing inter-country adoption. The 1993 Hague Convention on Protection of Children and Co-operation in Inter-country Adoption to which 42 States are already parties, provides an important framework for global regulation. Accordingly, this Congress urges that those States who have not yet done so, should give their urgent attention to ratifying, or acceding to, the 1993 Convention.



### 13. The Hague Convention on the Protection of Children 1996

This Congress notes with pleasure that following the ratification of the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children by Monaco, the Czech Republic and Slovakia, that Convention will enter into force on 1 January 2002. It further welcomes the intention of Ecuador to accede to the Convention as soon as it enters into force. It also welcomes the recent announcement by the Australian Government that it will ratify the Convention and urges all States and the European Union to take the necessary steps for ratification as soon as practicable.

### **E. Child Labour**

### 14. ILO Convention 182

This Congress notes with pleasure the adoption by the International Labour Organisation of ILO Convention number 182 on the Elimination of the Worst Forms of Child Labour at its 87<sup>th</sup> Session in Geneva on 17 June 1999, and calls upon all States who have not yet done so, to ratify and effectively implement that Convention.

The Congress believes there is no reasonable impediment for any State that would prevent its ratification and implementation. Further, the Congress recommends that the national monitoring mechanisms also provide for alternative reporting from non-government organisations.



### 15. Education and Child Labour

This Congress, accepting that education is an important tool in the elimination of child labour, calls upon States to provide in accordance with their obligations under the United Nations Convention on the Rights of the Child, universal, compulsory primary education for all children. It recognises that this will involve withdrawing some children from employment.

The Congress calls upon donor States and bodies to give high priority to aid to recipient States to assist them in their compliance with these obligations.

## **F. Children and AIDS**

### 16. Children living with HIV/AIDS

This Congress expresses its support for all activities aimed at alleviating the problems confronting children with HIV/AIDS, and urges the family law structures of each State to establish links with their national authorities and the Red Cross and Red Crescent societies to that end.

## **G. The Children's Rights Protection Network**

### 17. The Children's Rights Protection Network

This Congress welcomes the support given by Her Excellency, Mrs Mary Robinson, High Commissioner for Human Rights and Patron of the Congress, to the proposal for the establishment of an International Children's Rights Protection Network with its emphasis on education, representation, training and advocacy. This Congress requests the World Congress Board to proceed with the establishment of the Network as a permanent, professionally managed



## Resolutions

organisation bringing together lawyers, lawyer organisations and associated professional groups in a cooperative effort.

The proposed Network will seek to liaise and work in collaboration and cooperation with existing organisations and networks, including media organisations.

The Congress requests the World Congress Board to publish regular updates of the progress of the establishment of the Network.

### **H. Distribution of resolutions**

Copies of these Resolutions are to be sent to:

- The Secretary-General of the United Nations;
- The High Commissioner for Human Rights;
- The Executive Director of UNICEF;
- The Director-General of the World Health Organisation;
- The Chair of the Committee on the Rights of the Child;
- The Secretary-General of the Federation of Red Cross and Red Crescent Societies;
- The Secretary-General of the Hague Conference on Private International Law;
- The President of the Commission of the European Union;
- and all other organisations mentioned in the text