



Joint United Nations Programme on HIV/AIDS

**UNAIDS**

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**59th Session of the  
United Nations Commission on Human Rights,**

**Agenda item 13:  
Rights of the Child**

**Geneva, 11 April 2003**

Chairperson, distinguished delegates

The global AIDS epidemic overwhelmingly affects children and young people:

- Of the 42 million people living with HIV, 3.2 million are children under the age of 15 years.
- Of the 5 million of people newly infected with HIV in 2002, 800,000 were children under 15 years old.
- Of the 3.1 million AIDS deaths in 2002 610, 000 were children under the age of 15 years.

This means that there are millions of children and adolescents who are infected by HIV and who need care, as well as protection from discrimination. But it also means that even more youngsters are affected by HIV because one or both parents, or a sibling, are living with or have died of AIDS.

The primary and principal responsibility of ensuring the right to health of children lies with the State:

Almost all States in the world have ratified the Convention on the rights of the Child (CRC) (save for the USA and Somalia). This Convention provides the guiding principles for protecting all children. The CRC and other relevant conventions offer a rights-based framework for implementing HIV/AIDS prevention, care and support for children. Every child has a right to education; to the highest attainable standard of health; to seek, receive and impart information and ideas of all kinds; to special protection and assistance if deprived of his or her family environment; to non-discrimination and privacy; to express opinions and have them taken into account; and to freedom from trafficking, prostitution, sexual exploitation and sexual abuse.

All States have committed to ensuring that children's rights are respected (not directly violated by States), protected (not violated by third persons) and fulfilled (positive budgetary, legislative and administrative measures are put in place).

Chairperson, it is therefore essential that programmes on HIV/AIDS therefore should be rights based, be child-centered, be non-discriminatory; uphold the best interests of the Child, ensure respect for the views and participation of the child and ensure the right of the child to survival and development.

UNAIDS is pleased to note that over the years the Committee on the Rights of the Child has increasingly integrated the issue of HIV/AIDS into its work, both in the Concluding observations/recommendations that the Committee issues to States that come to report and also during the dialogue between States Party and members of the Committee.

A recent significant development, that UNAIDS welcomes, is *General Comment 3 on HIV/AIDS and the Rights of the Child* adopted by the Committee on the Rights of the Child in January this year. This is the first ever General Comment on AIDS issued by a Treaty monitoring mechanism. This General Comment identifies good practices for States. Further States have been specifically asked to report on the HIV-related measures they have put in place to protect children. This General Comment is a vital tool to assist the Committee in monitoring HIV-related rights.

Chairperson, UNAIDS Secretariat, in collaboration with all its co-sponsors, namely UNICEF, UNDP, UNFPA, UNDCP, ILO, UNESCO, WHO and the World Bank, and also closely working with the Office of the High Commissioner on Human Rights, will continue to support States in designing and implementing

effective programmes to address children's rights in the context of HIV/AIDS. Such effective action include:

- Reviewing and enacting existing policies, laws, regulations to guarantee the right of children to have access to HIV/AIDS related information, including to voluntary testing. Young people have a right to information to protect against HIV infection. Access to information as a fundamental right of the child should become the key element in HIV/AIDS prevention strategies.
- Creating a supportive and enabling environment at national level, in which children are allowed to participate and receive support for their own initiatives. The proven effectiveness of peer education strategies, in particular, should be recognized and taken into account for its potential contribution to the mitigation of the impact of the HIV/AIDS epidemic. The right of young people and children to participate fully and actively in the formulation and implementation of HIV/AIDS strategies, programmes and policies should be fully recognized.
- Designing and implementing HIV/AIDS prevention and care strategies focusing on children in need of special protection, including those living in institutions (whether social welfare ones or detention centres), those living or working in the streets, those suffering from sexual or other types of exploitation, abuse and neglect, or those involved in armed conflict, etc.
- Developing and promoting youth friendly services to ensure that young people have a supportive environment to access appropriate services to their needs. Such services include HIV/AIDS clinics and drop-in centres, services provided in conjunction with sports and leisure activities, and services provided on street corners and other locations where young people congregate. Outreach workers and peer counsellors also have an important role to play in alerting young people to the services that are on offer for HIV prevention and care.

The rights of children need to be put at the center of the HIV/AIDS response.

Thank you.