

ITEM 65:
PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

STATEMENT

BY

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CHECK AGAINST DELIVERY

Mr. Chairman

For Liechtenstein, the defense and protection of the rights of children is a matter of priority. We fully endorse the Convention on the Rights of the Child and in particular its article 12, containing the principle of participation, and the rights in the Convention flowing from it. We therefore welcome child participation as the focus of this year's omnibus resolution and hope that a substantial consensus can be reached on this text. Given the importance of the principle of participation, we are open to the idea of establishing a communication mechanism on violations of provisions of the Convention on the Rights of the Child. We are aware of the complex legal and procedural questions involved in the establishment of such a mechanism. At the same time, we welcome the potential of such a mechanism to also strengthen national procedures for children to make their voices heard and are looking forward to examine this aspect at the upcoming first session of the relevant working group of the Human Rights Council.

Our own positive experience with child participation indicates that Governments and legislators should seek the input of children wherever their interests are affected, as an expression of commitment to the principle of the best interest of the child as well as for the sake of achieving high quality results. During the drafting process of the new Liechtenstein Children and Youth Act, which entered into force in February 2009, ample opportunity was given for children and young people to contribute their point of view. The possibility of participation in the legislative process was strongly utilized and resulted in a variety of propositions that shaped the new law. One of the central tenets of the law is that children have the right to be heard in decisions that concern them to the extent of their capability of expressing their opinion. They have also the right to have their opinion taken into account in accordance with their age and maturity.

Mr. Chairman

In some situations it is difficult for children to express their opinion, in particular when their personal or sexual integrity, or the integrity of the familiar environment they are used to live in is affected. The Children and Youth Act therefore provides for the appointment of an independent Ombudsperson who represents the interests of individual children in such circumstances and monitors the implementation of the Convention on the Rights of the Child by the justice system and the Government.

Mr. Chairman

As a sponsor of this year's Youth Assembly at the UN, we firmly believe that the opinion of children and young persons should have a bigger impact at the international level, in particular in connection with decisions that can affect their future. But too often and in too many parts of the world children cannot speak up for themselves as they are deprived of their right to be heard. In these situations the protection of children's rights crucially depends on the awareness raised by the work of intergovernmental and non-governmental organizations. We welcome the recent UNICEF report, which takes stock of the worldwide level of child protection, and are disturbed by some of its findings. The fact that more than half of all children in detention are neither tried nor sentenced is unacceptable. Nowhere is the fundamental right to a fair trial and the right to *habeas corpus* more important than in the case of children, who are not in a position to fully defend themselves. States must guarantee these fundamental rights to children in particular.

Mr. Chairman

States have an obligation to offer a protected legal environment to children. As a first step all newborns must be registered in order to avoid that they fall through the grid of State protection at the earliest stage. Unregistered children are the most vulnerable to abuses such as trafficking, sexual exploitation and illegal adoption. As

a State Party to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, we call on States to ratify this useful instrument as a matter of priority. In order to provide children with the highest level of legal protection, Liechtenstein is committed to reducing statelessness among children. We are pleased to report that we have withdrawn our reservation to article 7 of the Convention on the Rights of the Child. Recently adopted domestic legislation ensures that a stateless child residing in Liechtenstein can acquire Liechtenstein citizenship.

Mr. Chairman

Liechtenstein is an active member of the Group of Friends of Children and Armed Conflict. We reiterate our full support for SC resolution 1882 and welcome the Council's enhanced monitoring of outrageous acts such as the killing and maiming of children, or the rape or perpetration of other sexual violence against children. We would like to recall in this context the primary responsibility of States to prosecute those responsible for grave violations against children in armed conflicts as well as the complementary role of the ICC in this regard.

I thank you.