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DRAFT REPORT OF THE COMMISSION

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CONTENTS*

<u>Chapter</u>		<u>Paragraphs</u>	<u>Page</u>
XXII.	Rights of the child, including:		
	(a) Status of the Convention on the Rights of the Child;		
	(b) Report of the Special Rapporteur on the sale of children;		
	(c) Programme of Action for the Elimination of the Exploitation of Child Labour;		
	(d) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography		

* Documents E/CN.4/1994/L.10 and addenda contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, are contained in documents E/CN.4/1994/L.11 and addenda.

XXII. RIGHTS OF THE CHILD, INCLUDING: (a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD; (b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN; (c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR; (d) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

1. The Commission considered agenda item 22 at its 53rd meeting, on 3 March 1994, at its 62nd and 63rd meetings, on 8 March, and at its 66th meeting, on 9 March. 1/

2. The Commission had before it the following documents:

Note by the secretariat on the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (E/CN.4/1994/82);

Report of the Secretary-General on the rights of the child, including the status of the Convention on the Rights of the Child (E/CN.4/1994/83);

Report by Mr. Vitit Muntarbhorn, Special Rapporteur, on the sale of children, child prostitution and child pornography, submitted in accordance with Commission on Human Rights resolution 1993/82 (E/CN.4/1994/84);

Report by Mr. Vitit Muntarbhorn, Special Rapporteur, on the sale of children, child prostitution and child pornography, submitted in accordance with Commission on Human Rights resolution 1993/82: Visit by the Special Rapporteur to Nepal (E/CN.4/1994/84/Add.1);

Note by the secretariat on the rights of the child (E/CN.4/1994/91);

Note by the secretariat on the rights of the child (E/CN.4/1994/95);

Letter dated 10 February 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the fiftieth session of the Commission on Human Rights (E/CN.4/1994/114);

Written statement submitted by the Friends World Committee for Consultation (Quakers), a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/1);

Written statement submitted by the International Federation Terre des hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/17).

3. At the 53rd meeting, the Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Vitit Muntarbhorn, introduced his report (E/CN.4/1993/84 and Add.1) to the Commission.

4. In the general debate on item 22, statements 3/ were made by the following members of the Commission: Angola (62nd), Australia (62nd), Austria (62nd), Brazil (62nd), Chile (62nd), China (62nd), Cuba (63rd), Ecuador (62nd), Indonesia (62nd), Iran (Islamic Republic of) (63rd), Kenya (62nd), Libyan Arab Jamahiriya (62nd), Malaysia (62nd), Mexico (62nd), Poland (62nd), Romania (62nd), Syrian Arab Republic (62nd), United States of America (62nd).
5. The Commission also heard statements by the observers for: Egypt (63rd), Greece (on behalf of the European Union and its member States) (63rd), Iraq (63rd), Morocco (63rd), Philippines (63rd), Senegal (63rd), Spain (63rd), Sweden (63rd).
6. At the 62nd meeting, a statement was made by the representative of UNICEF.
7. At its 63rd meeting, the Commission heard statements by the following non-governmental organizations: Commission for the Defence of Human Rights in Central America, Friends World Committee for Consultation (Quakers), International Association for the Defence of Religious Liberty, International Association of Educators for World Peace, International Confederation of Free Trade Unions, International Educational Development Inc., International Federation Terre des hommes, International Lesbian and Gay Association, Latin American Federation of Associations of Relatives of Disappeared Detainees, Service, Peace and Justice in Latin America, World Organization against Torture.
8. At the same meeting, joint statements were made by the World Federation of Methodist Women on behalf of: American Association of Retired Persons, Associated Country Women of the World, Baha'i International Community, Inter-African Committee on Traditional Practices, International Abolitionist Federation, International Association of Democratic Lawyers, International Council of Jewish Women, International Council on Social Welfare, International Federation of Social Workers, International Federation of University Women, International Movement for Fraternal Union among Races and Peoples, Medical Women's International Association, National Council of German Women's Organizations, Soroptimist International, World Association of Girl Guides and Girl Scouts, World Federation of Methodist Women, World Union of Catholic Women's Organizations, World Vision International, World Young Women's Christian Association.

9. At the same meeting, joint statements were made by the International Catholic Child Bureau on behalf of: Anti-Slavery Society for the Protection of Human Rights, Defense for Children International Movement, International Abolitionist Federation, International Federation of Social Workers, International Federation of Women in Legal Careers, World Federation of Methodist Women, World Union of Catholic Women's Organizations and World Vision International.

10. At the 63rd meeting, statements in exercise of the right of reply or its equivalent were made by the representatives of Brazil and Costa Rica.

11. At the 66th meeting, the Commission took up consideration of the draft resolutions and decisions submitted under agenda item 22.

12. At the same meeting, the representative of Cuba introduced draft resolution E/CN.4/1994/L.23, sponsored by Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Mexico, Peru, Uruguay and Venezuela. Angola*, Australia, Barbados*, Cameroon, China, France, the Gambia*, Guinea-Bissau, India, the Islamic Republic of Iran, Lesotho, the Libyan Arab Jamahiriya*, Malawi, Mauritania, Nigeria, the Philippines*, the Syrian Arab Republic and Togo subsequently joined the sponsors of the draft resolution.

13. The representative of Cuba orally revised the English text of the draft resolution as follows:

(a) In the first preambular paragraph, replace the word "calls" by the word "requires";

(b) In the fifth preambular paragraph, replace the words "can play" by "plays";

(c) In the eighth preambular paragraph, replace the word "prostitution" by the words "sale and child prostitution";

(d) In the ninth preambular paragraph, replace the word "Alarmed" by the words "Taking into account";

(e) Replace the eleventh preambular paragraph, reading: "Bearing in mind that one of the main difficulties encountered by the Special Rapporteur has been the lack of cooperation and information on these issues", by a new paragraph;

(f) In the thirteenth preambular paragraph, replace the phrase "poverty, hunger, natural disasters, xenophobia" by the phrase "poverty, unemployment, hunger, natural disasters, intolerance";

- (g) Add a new seventeenth preambular paragraph;
- (h) Add a new eighteenth preambular paragraph;
- (i) Add a new operative paragraph 5 and renumber the following paragraphs;
- (j) Replace the former operative paragraph 8, reading: "Urges Governments and national and international organizations to promote wide dissemination of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography" by a new operative paragraph 9;
- (k) Delete former operative paragraph 10;
- (l) In operative paragraph 11, replace the phrase "of a legal framework aimed at effectively protecting the rights of the child" by the phrase "of the Convention on the Rights of the Child";
- (m) In operative paragraph 13, replace the phrase "and to this effect invites him to participate in the next sessions of those bodies" by the phrase "and the International Criminal Police Organization, and to this effect invites him to participate in the next session of the Committee on the Rights of the Child and of the Working Group on Contemporary Forms of Slavery";
- (n) Delete the former operative paragraph 15 reading: "Urges all Governments to cooperate with the Special Rapporteur and to assist him by furnishing all information he requires and allowing him to visit their territories when he so requests;" and renumber the following paragraph;
- (o) Delete the former operative paragraph 17 reading: "Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the resources and staff required to allow him to submit sufficiently in advance his interim report to the General Assembly at its forty-ninth session and his report to the Commission on Human Rights at its fifty-first session, bearing in mind the recommendations of the Special Rapporteur in his report (E/CN.4/1994/84);" and renumber the following paragraph;
- (p) In former operative paragraph 19, now paragraph 17, replace the phrase "guidelines for a possible draft Convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems" by the phrase "and the

Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication";

(q) Add a new operative paragraph 18;

(r) Add a new operative paragraph 19 and renumber the following paragraphs;

(s) In former operative paragraph 23, now paragraph 22, replace the phrase "Question of a draft convention on all issues related to the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems" by a new phrase;

(t) Insert a new operative paragraph 23 to replace the former paragraph 24, which read:

"Recommends the following draft resolution to the Economic and Social Council for adoption:

"Question of a draft convention on all issues related to the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems

"The Economic and Social Council,

"Recalling Commission on Human Rights resolution 1994/... of ... 1994,

"1. Authorizes the establishment of an open-ended intersessional Working Group responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur, guidelines for a possible convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems, that will meet for two weeks prior to the fifty-first session of the Commission on Human Rights;

"2. Requests the Secretary-General to provide the Working Group with all the services it requires to be able to meet prior to the fifty-first session of the Commission on Human Rights".

14. The representative of Germany put forward the following amendments to the English text of draft resolution E/CN.4/1994/L.23 as orally revised:

(a) Replace operative paragraph 17 by a new paragraph to read as follows: "Decides to request the Committee on the Rights of the Child and the Special Rapporteur to study the need for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography as well as the basic measures needed for its prevention and eradication, and to make their conclusions available";

(b) Replace operative paragraph 18 by a new paragraph to read as follows: "Requests the Secretary-General to invite Governments, intergovernmental organizations and non-governmental organizations to submit comments thereon";

(c) Delete operative paragraphs 19, 20, 21, 22 and 23;

(d) Add a new operative paragraph 19, to read as follows: "Decides to remain seized of this matter and to consider it at its fifty-first session."

15. The representatives of Australia, Chile, Cuba, Finland, France, Guinea-Bissau, Mexico, the Netherlands, Nigeria, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay made statements in connection with the draft resolution and the proposed amendments.

16. The representative of Germany withdrew the amendments he had proposed.

17. The representative of the United States of America asked for the draft resolution to be put to the vote.

18. The representatives of Canada, Costa Rica, Cuba and Kenya made statements in connection with the request by the United States of America.

19. The Commission decided to defer consideration of the draft resolution.

20. At the same meeting, the Commission resumed consideration of the draft resolution.

21. The representatives of the United States of America, China and Mexico made statements in connection with the amendments put forward by Cuba.

22. The representative of Cuba requested that a roll-call vote should be taken on the draft resolution.

23. The representative of Canada, invoking rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, called for the adjournment of the debate on the draft resolution.

24. The representatives of China, Cuba, the United Kingdom of Great Britain and Northern Ireland and the United States of America made statements in connection with the motion by Canada.

25. The motion calling for the adjournment of the debate on the draft resolution was rejected by 33 votes to 17, with 1 abstention.

26. The representative of the United States of America made a statement in connection with the draft resolution.

27. The draft resolution was adopted without a vote.

28. The representatives of Germany, Indonesia, Japan and the Netherlands made statements explaining the position of their delegation.

29. For the text of the resolution, see chapter II, section A, resolution 1994/90.

30. At the same meeting, the observer for Sweden* introduced draft resolution E/CN.4/1994/L.55, sponsored by Cameroon, the Czech Republic*, Denmark*, Finland, the Gambia*, Greece*, Iceland*, Latvia*, Luxembourg*, the Netherlands, Norway*, Poland, Portugal*, Senegal*, Slovakia*, Slovenia* and Sweden*. Barbados, Bulgaria, Colombia, Cuba, Cyprus, Ecuador, Guinea-Bissau, Italy, the Libyan Arab Jamahiriya, Malawi, Mexico, Nigeria, Peru, Spain*, Togo and Venezuela subsequently joined the sponsors of the draft resolution.

31. The observer for Sweden orally revised the draft resolution as follows:

(a) In the sixth preambular paragraph, insert the word "parties" after the word "States";

(b) In the first phrase of the twelfth preambular paragraph, replace the words "the reservations" by the words "those reservations" and the words "international law" by the words "international treaty law";

(c) In operative paragraph 16, insert the word "preliminary" before the words "draft optional protocol";

(d) Add a new operative paragraph 26.

32. The representative of Costa Rica made a statement in connection with the draft resolution.

33. The draft resolution, as orally revised, was adopted without a vote.

34. For the text of the resolution, see chapter II, section A, resolution 1994/91.

35. At the same meeting, the observer for Portugal* introduced draft resolution E/CN.4/1994/L.88, sponsored by Angola, Austria, Belgium*, Bulgaria, Cameroon, Chile, Costa Rica, the Czech Republic*, the Democratic People's

Republic of Korea*, Denmark*, Finland, France, Greece*, Ireland*, Italy, Liechtenstein*, Norway*, the Philippines*, Poland, Portugal*, the Republic of Korea, the Russian Federation, Senegal*, Spain*, Sweden*, Switzerland*, Turkey* and the United Kingdom of Great Britain and Northern Ireland. Australia, Brazil, Canada, Cuba, Cyprus, Ecuador, the Gambia*, Germany, Greece*, Guinea-Bissau, Haiti*, Iceland*, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Luxembourg*, the Netherlands, Peru, Romania, Togo, Uruguay and Venezuela subsequently joined the sponsors of the draft resolution.

36. The observer for Portugal orally revised the draft resolution as follows:

(a) Delete the twelfth preambular paragraph;

(b) Delete operative paragraph 17;

(c) In operative paragraph 24, insert the words "a provisional report to the next General Assembly and" after the words "to submit".

37. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

38. The draft resolution was adopted without a vote.

39. For the text of the resolution, see chapter II, section A, resolution 1994/92.

40. At the same meeting, the observer for Greece* introduced draft resolution E/CN.4/1994/L.92, sponsored by Austria, Canada, Denmark*, Finland, France, Germany, Greece*, Ireland*, Italy, the Netherlands, Norway*, Spain*, Sweden* and the United Kingdom of Great Britain and Northern Ireland. Angola, Australia, Belgium*, Brazil, Cameroon, Colombia, Costa Rica, Cuba, the Gambia*, Guinea-Bissau, Haiti*, Iceland*, Latvia*, the Libyan Arab Jamahiriya, Luxembourg*, Malawi, Mexico, New Zealand*, the Philippines, Portugal*, Switzerland*, Turkey*, Uruguay and Venezuela subsequently joined the sponsors of the draft resolution.

41. The draft resolution was adopted without a vote.

42. For the text of the resolution, see chapter II, section A, resolution 1994/93.

43. At the same meeting, the representative of France introduced draft resolution E/CN.4/1994/L.98, sponsored by Austria, Costa Rica, Côte d'Ivoire, France, Germany, Jordan*, Kuwait*, Madagascar*, Senegal* and Spain*. Angola,

Australia, Belgium*, Cameroon, Ecuador, the Gambia*, Guinea-Bissau, Ireland*, Latvia*, the Libyan Arab Jamahiriya, Mauritius, Peru, Sweden* and Uruguay subsequently joined the sponsors of the draft resolution.

44. The draft resolution was adopted without a vote.

45. For the text of the resolution, see chapter II, section A, resolution 1994/94.
