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COMMISSION ON HUMAN RIGHTS  
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Agenda item 24 (d)

RIGHTS OF THE CHILD, INCLUDING: QUESTION OF A DRAFT OPTIONAL PROTOCOL  
TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON SALE OF CHILDREN, CHILD  
PROSTITUTION AND CHILD PORNOGRAPHY AS WELL AS THE BASIC MEASURES NEEDED  
FOR THEIR PREVENTION AND ERADICATION

Bolivia\*, Chile, Colombia, Cuba, Dominican Republic, Ecuador,  
El Salvador, France, Guatemala\*, Mexico, Nicaragua, Peru,  
Salvador\*, South Africa\* and Venezuela: draft resolution

1995/... Question of a 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

The Commission on Human Rights

Reaffirming the Vienna Declaration and Programme of Action

(A/CONF.157/23), adopted by the World Conference on Human Rights, held at  
Vienna from 14 to 25 June 1993, which required effective measures against  
female infanticide, harmful child labour, the sale of children and their  
organs, child prostitution, child pornography and other forms of sexual abuse,

Recalling the Convention on the Rights of the Child, adopted by the  
General Assembly in its resolution 44/25 of 20 November 1989,

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\* In accordance with rule 69, paragraph 3, of the rules of procedure of  
the functional commissions of the Economic and Social Council.

Recalling also the World Declaration on the Survival, Protection and Development of children in the 1990s and the Plan of Action for its implementation, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, which establish a solemn commitment of granting priority to the rights of the child and to his or her survival, protection and development, thus contributing to the welfare of every society,

Recognizing the enormous efforts made in this field by the United Nations, particularly the United Nations Children's Fund, the Committee on the Rights of the Child and the Special Rapporteur on the sale of children, child prostitution and child pornography,

Recalling the wide ratification of and accession to the Convention on the Rights of the Child and the important role it plays in ensuring effective protection of the rights of the child,

Recalling also its resolution 1992/74 of 5 March 1992, in which it adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

Recalling further its resolutions 1992/76 of 5 March 1992, 1993/82 of 10 March 1993 and 1994/90 of 9 March 1994,

Deeply concerned at the situation of children subject to the yoke of sale and child prostitution, sexual abuses and other forms of exploitation,

Taking into account the relevant information on the generalization and different forms of exploitation of child labour, such as the use of children for illegal purposes, including drug trafficking,

Dismayed by the persistence of the sale of children and related practices entailing disappearances, fraudulent adoptions, abandonment and abductions for commercial purposes,

Taking into account the necessity that the Special Rapporteur be assisted by the cooperation of Governments and provided with information on this matter,

Recognizing the existence of a market, which encourages the increase of such criminal practices against children,

Bearing in mind the different causes that influence the emergence and persistence of this special circumstance, including poverty, unemployment, hunger, natural disasters, intolerance, exploitation of child labour and armed conflicts, and their harmful effects on the rights of the child and the maintenance of family unity,

Aware of the need to increase international cooperation to eliminate the causes of these evils,

Considering that it is necessary to deploy greater efforts at the national and international levels to promote and protect all the rights of the child everywhere in the world,

Recognizing the need for a continued exchange of information between the various mechanisms and bodies entrusted with the task of preventing and eradicating all practices relating to the sale of children, child prostitution and child pornography,

Recalling the conventions and recommendations of the International Labour Organization related to this question,

Bearing in mind the formulation by the General Assembly, in its resolution 48/156 of 20 December 1993, of concrete suggestions on this problem,

Having considered the report submitted to the General Assembly by the Special Rapporteur on the sale of children, child prostitution and child pornography (A/49/478) and the conclusions and recommendations contained therein,

Having also considered the report of the open-ended inter-sessional working group responsible for elaborating the guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child pornography and child prostitution, as well as the basic measures needed for their prevention and eradication (E/CN.4/1995/95),

Recognizing that there is a need for adopting urgent measures for the prevention and eradication of practices related to the sale of children, child prostitution and child pornography,

1. Expresses deep concern at the alarming increase in violations of the rights of the child worldwide, in particular the growing number of incidents related to the sale of children and their organs, child prostitution and child pornography;

2. Urges all Governments to seek solutions, as well as ways and means to enhance and ensure international cooperation to eradicate such aberrant practices;

3. Also urges all States to adopt the necessary administrative and legislative measures to eradicate more effectively the practices of the sale of children, child prostitution and child pornography;

4. Recommends that all States, adopt the necessary measures to eliminate the existing market, which encourages the increase of such criminal practices;

5. Reaffirms the essential value of the Convention on the Rights of the Child and of its effective implementation system at the national and international levels as an essential means to prevent and combat situations of sale of children, child prostitution and child pornography;

6. Welcomes the report submitted to the General Assembly by the Special Rapporteur on the sale of children, child prostitution and child pornography (A/49/478);

7. Endorses the conclusions and recommendations of the Special Rapporteur concerning the strengthening of preventive strategies to tackle the root causes of the sale of children and their organs, child prostitution and child pornography;

8. Recognizes the important role that the specialized agencies, the non-governmental organizations and the community at large can play in order to ensure greater awareness and more effective action in preventing the practices of the sale of children, child prostitution and child pornography, including dissemination of information and teaching of the rights of the child;

9. Recalls in this framework the essential importance of ensuring the effective implementation of the Programmes of Action adopted by the Commission on Human Rights for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and for the Elimination of Child Labour in its resolutions 1992/74 of 5 March 1992 and 1993/79 of 10 March 1993 respectively;

10. Encourages Governments and national and international educational organizations, in particular the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, to develop programmes for the rights of the child in all areas of formal and non-formal education;

11. Reaffirms the need to strengthen and ensure the effective implementation of the Convention on the Rights of the Child, as well as to provide appropriate remedies in favour of the rights of the child;

12. Encourages the establishment of bodies and institutions, both governmental and non-governmental, which carry out activities in favour of children in the light of children's best interests;

13. Invites the Special Rapporteur to cooperate closely with the Committee on the Rights of the Child and with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery, as well as with other competent United Nations bodies dealing with the question covered by her mandate, including the Commission on Crime Prevention and Criminal Justice and the International Criminal Police Organization, and to this effect invites her 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;

14. Calls upon the Special Rapporteur to request relevant information on situations, wherever they may occur, involving the sale of children, child prostitution and child pornography, as well as other questions related to this problem;

15. Requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to the economic, social, legal and cultural factors affecting these phenomena;

16. Also requests the Special Rapporteur to include in her future reports recommendations on concrete measures by Governments to eradicate the practices of the sale of children, child prostitution and child pornography;

17. Decides that the open-ended inter-sessional working group of the Commission on Human Rights for the elaboration of guidelines on a possible optional protocol regarding the sale of children, child prostitution and child pornography, shall elaborate, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, and on the basis of the guidelines contained in its report (E/CN.4/1995/95), a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

18. Requests the Secretary-General to invite Governments, intergovernmental organizations, the Special Rapporteur, the Committee on the Rights of the Child and non-governmental organizations to contribute to the elaboration of a draft optional protocol on sale of children, child prostitution and child pornography by sending comments on the guidelines

contained in document E/CN.4/1995/95 for consideration by the working group, and to circulate these comments to Governments in advance of the meeting of the working group;

19. Requests the working group to meet between sessions for a period of two weeks before the fifty-second session of the Commission;

20. Requests the Secretary-General to provide the working group with all the necessary assistance for the meeting to be held;

21. Invites the Special Rapporteur and a representative of the Committee on the Rights of the Child to attend the next meeting of the working group, and in this regard requests the Secretary-General to provide the necessary assistance to enable them to participate in the elaboration of the draft optional protocol;

22. Recommends that the General Assembly, through the Economic and Social Council, consider the recommendations of the working group on basic measures other than a possible optional protocol needed for the prevention and eradication of sale of children, child prostitution and child pornography (E/CN.4/1995/95, annex II);

23. Decides to consider this question, as a matter of priority, at its fifty-second session under the sub-item entitled "Question of a draft optional protocol to the Convention on the Rights of the Child on sale of children, child prostitution and child pornography, as well as the basic measures needed for its prevention and eradication";

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

"The Economic and Social Council,

Recalling Commission on Human Rights resolution 1995/...

of ... 1995,

1. Authorizes the open-ended inter-sessional working group of the Commission on Human Rights for the elaboration of guidelines on a possible optional protocol regarding the sale of children, child prostitution and child pornography to elaborate, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, and on the basis of the guidelines contained in its report (E/CN.4/1995/95, annex I), a draft optional protocol to the

Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and to meet for two weeks before the fifty-second session of the Commission on Human Rights;

2. Requests the Secretary-General to provide the working group with all the necessary assistance to enable it to meet and fulfil its task."

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