



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/1995/L.10 1/  
10 March 1995

Original: ENGLISH

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COMMISSION ON HUMAN RIGHTS  
Fifty-first session  
Agenda item 28

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Hannu HALINEN

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\* Documents E/CN.4/1995/L.10 and addenda will 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, will be contained in documents E/CN.4/1995/L.11 and addenda.

1/ This document is issued without having been edited.

XXIV. RIGHTS OF THE CHILD, INCLUDING: (a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD; (b) REPORT OF THE SPECIAL RAPPOREUR 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 24 at its 56th to 58th meeting, on 6 to 7 March 1995 and at its 61st meeting, on 8 March 1995.

2. The Commission had before it the following documents:

Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts (E/CN.4/1995/96);

Report of the Secretary-General (E/CN.4/1995/112);

Letter dated 10 January 1995 from the Ambassador, Chargé d'affaires, of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/127);

Letter dated 10 January 1995 from the Ambassador, Chargé d'affaires, of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/129);

(A/49/643);

(CRC/C/3/Add.30);

Joint written statement submitted by the International Save the Children Alliance, a non-governmental organization in consultative status (category I), and the Friends World Committee for Consultation (Quakers), a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/4);

Written statement submitted by the Human Rights Watch, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/15);

Report of the Secretary-General (E/CN.4/1995/97);

(CRC/C/29);

(CRC/C/34);

Note by the Secretariat (E/CN.4/1995/94);

(A/49/478);

Note by the Secretary-General (E/CN.4/1995/106);

(E/CN.4/Sub.2/1994/34);

(E/CN.4/1995/95);

(E/CN.4/1994/WG.13/CRP.1);

(E/CN.4/1994/WG.14/CRP.3).

3. At the 50th meeting, on 1 March 1995, the expert on the issue of protection of children affected by armed conflicts, Mrs. Gracia Simbine Machel, introduced the progress report of the Secretary-General (A/49/643).

4. At the 57th meeting, on 7 March 1995, the Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts, Mr. Nils Eliasson, introduced the report of the working group (E/CN.4/1995/96).

5. At the 57th meeting, on 7 March 1995, the Chairman of the working group on 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, Mr. Ivan Mora, introduced his report (E/CN.4/1995/95).

6. In the general debate on agenda item 24, statements were made by the following members of the Commission: Australia (56th), Bhutan (57th), Brazil (56th), Cameroon (57th), Cuba (57th), Dominican Republic (56th), Egypt (57th), Pakistan (57th), Philippines (56th), Republic of Korea (56th).

7. The Commission also heard statements by the observers for: Honduras (57th), Libyan Arab Jamahiriya (57th), Morocco (57th), Senegal (57th), Slovakia (57th).

8. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (57th), Christian Democrat International (57th), Christian Solidarity International (57th), Commission for the Defense of Human Rights in Central America (57th), General Arab Women's Federation (57th), Habitat International Coalition (57th), International Association Against Torture (57th), International Catholic Child Bureau (57th), International Committee for European Security and Cooperation (57th), International Educational Development Inc. (57th), International Federation of University Women (57th), International Movement Against All Forms of Racism and Discrimination (57th), World Movement of Mothers (57th).

9. At its 61st meeting, on 8 March 1995, the Commission took up consideration of draft resolutions under agenda item 24.

10. At the same meeting, the representative of Cuba introduced draft resolution E/CN.4/1995/L.103 sponsored by Bolivia\*, Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, France, Guatemala\*, Mexico,

Nicaragua, Peru, South Africa\* and Venezuela. Australia, Gambia\*, Ireland\*, Morocco\*, Nepal, Nigeria\*, Romania and Senegal subsequently joined the sponsors.

11. The representative of Cuba orally revised the draft resolution as follows:

(a) The fifth preambular paragraph, which read: "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," was deleted;

(b) The eleventh preambular paragraph, which read: "Taking into account the necessity that the Special Rapporteur be assisted by the cooperation of Governments and provided with information on this matter," was deleted;

(c) The eighteenth preambular paragraph, which read: "Bearing in mind the formulation by the General Assembly, in its resolution 48/156 of 20 December 1993, of concrete suggestions on this problem," was deleted;

(d) The nineteenth preambular paragraph, which read: "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 recommendation contained therein," was deleted;

(e) In operative paragraph 1, after the words "sale of children" the words "and their organs" were deleted;

(f) Operative paragraph 6, which read: "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);" was deleted;

(g) Operative paragraph 7, which read: "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;" was deleted;

(h) Operative paragraph 13, which read: "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 of the Rights of the Child and of the Working Group on Contemporary Forms of Slavery;" was deleted;

(i) Operative paragraph 14, which read: "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;" was deleted;

(j) Operative paragraph 15, which read: "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;" was deleted;

(k) Operative paragraph 16, which read: "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;" was deleted;

12. Statements in connection with the draft resolution were made by the representatives of Canada, Germany, Italy, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

13. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on the draft resolution. The draft resolution was adopted by 42 votes to 0, with 11 abstentions. The voting was as follows:

In favour: Algeria, Angola, Australia, Bangladesh, Benin, Bhutan, Bulgaria, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, Guinea-Bissau, India, Indonesia, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Togo, Venezuela, Zimbabwe.

Against: None

Abstaining: Austria, Brazil, Canada, Germany, Hungary, Italy, Japan, the Netherlands, Poland, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

14. Statements in explanation of vote after the vote were made by the representatives of Austria and Japan.

15. For the text as adopted, see chapter II, section A, resolution 1995/78.

16. At the same meeting, the representative of France introduced draft resolution E/CN.4/1995/L.105 sponsored by Austria, Belgium\*, the Czech Republic\*, Denmark\*, Finland, Germany, Greece\*, Iceland\*, Ireland\*, Israel\*, Italy, Luxembourg\*, the Netherlands, Norway\*, the Philippines, Poland, Portugal\*, Slovakia\*, South Africa\*, Spain\*, Sweden\* and the United Kingdom of Great Britain and Northern Ireland. Algeria, Australia, Benin, Bolivia\*, Brazil, Bulgaria, Burundi\*, Cameroon, Canada, Chile, Colombia, Costa Rica\*, Côte d'Ivoire, Cuba, Cyprus\*, Dominican Republic, Ecuador, El Salvador, Ethiopia, Gabon, Gambia, Guinea-Bissau, Honduras\*, Hungary, Jordan\*, Latvia\*, Liechtenstein\*, Madagascar\*, Malawi, Mexico, Nepal, New Zealand\*, Nicaragua, Nigeria\*, Peru, the Republic of Korea, Romania, the Russian Federation, Senegal\*, Slovenia\*, Sri Lanka, Switzerland\*, Togo, the United States of America, Venezuela and Zimbabwe subsequently joined the sponsors.

17. The representative of France orally revised the draft resolution as follows:

(a) The second preambular was moved after the third preambular paragraph;

(b) In the fourth preambular paragraph, after the words "international market" the words "for child pornography, child prostitution and false adoption" were inserted;

(c) In the seventh preambular paragraph, the words "in contravention of the Convention on the Rights of the Child," were added at the end of the paragraph;

(d) In the twelfth preambular paragraph, the word "character" was replaced by the word "nature";

(e) In the last preambular paragraph, after the words "Noting with" the word "appreciation" was replaced with the word "interest";

(f) A paragraph was inserted as the new last preambular paragraph;

(g) In operative paragraph 7, after the words "universal adherence" the words "by the end of 1995" were deleted;

(h) In operative paragraph 8, the word "Governments" was replaced by the words "States Parties"; after the words "to implement" the words "fully all the provisions of" were deleted;

(i) In operative paragraph 9, the words "the aim of withdrawing" were replaced by the words "a view of considering the withdrawal of"; the words "to other relevant rules of international law" were replaced by the words "otherwise contrary to international treaty law";

(j) In operative paragraph 10, the word "Welcomes" was replaced by the words "Takes note of"; at the end of the paragraph, the words "to the Convention as a part of its important functions in overseeing the effective implementation of the Convention" were deleted;

(k) In operative paragraph 13, after the words "Recommends that" the words ", within their mandates," were inserted; after the words "Committee on the Rights of the Child," the words " within their mandates" were deleted.

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

19. For the text as adopted, see chapter II, section A, resolution 1995/79.

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