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COMMISSION ON HUMAN RIGHTS  
Fifty-second session  
Agenda item 25

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE  
FIFTY-SECOND SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

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\* Documents E/CN.4/1996/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.4/1996/L.11 and addenda.

XX. 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 PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY; (d) 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

1. The Commission considered agenda item 20 at its 22nd meeting, on 18 April 1996, at its 50th to 57th meetings, from 18 to 22 April 1996 and at its 62nd meeting, on 23 April 1996. 1/
2. For the documents issued for the fifty-second session of the Commission under item 20, see annex IV to the present report.
3. At the 22nd meeting, on 2 April 1996, Mr. José Ayala Lasso, High Commissioner for Human Rights, made a statement. At the same meeting, Mr. Stephen Lewis, Deputy Executive Director of the United Nations Children's Fund made a statement.
4. At the 39th meeting, on 15 April 1996, Ms. Graça Machel, Representative of the Secretary-General on the study on the impact of armed conflict on children, addressed the Commission.
5. At the 48th meeting, on 18 April 1996, Ms. Ofelia Calcetas-Santos, Special Rapporteur on the sale of children, child prostitution and child pornography, introduced her report (E/CN.4/1996/100).
6. At the same meeting, Mr. Nils Eliasson, 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, introduced his report (E/CN.4/1996/102).
7. At the 50th meeting, Mr. Jorge Ivan Mora Godoy, Chairman-Rapporteur of the working group on a draft protocol to the Convention on the Rights of the Child on the prevention of the sale of children, child prostitution and child pornography, introduced his report (E/CN.4/1996/101).
8. In the general debate on agenda item 20, statements 3/ were made by the following members of the Commission: Australia (55th), Cameroon (55th), Cuba (54th), Egypt (55th), Gabon (54th), Italy (on behalf of the European Union) (50th), Pakistan (55th), Philippines (50th), Russian Federation (55th).
9. The Commission heard statements by the observers for: Kenya (56th), Morocco (55th), Slovakia (56th), Sudan (54th), Switzerland (55th), Uruguay (55th).

10. The Commission also heard statements by the observers for the International Committee of the Red Cross (50th), the International Federation of Red Cross and Red Crescent Societies (54th) and the Office of the United Nations High Commissioner for Refugees (55th).

11. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (54th), Asian Women's Human Rights Council (56th), Friends World Committee for Consultation (Quakers) (54th), Himalayan Research and Cultural Foundation (54th), International Educational Development (54th), International Institute for Peace (56th), Pax Christi International (56th).

12. Statements in exercise of the right of reply were made by the representatives of China (57th) and the Philippines (57th).

(a) Status of the Convention on the Rights of the Child

13. In the general debate on agenda item 20 (a), statements 3/ were made by the following members of the Commission: Australia (55th), Brazil (55th), Cameroon (55th), Chile (50th), Cuba (54th), Egypt (55th), El Salvador (50th), Gabon (54th), India (55th), Italy (on behalf of the European Union) (50th), Madagascar (55th), Malaysia (50th), Nepal (54th), Pakistan (55th), Peru (55th), Philippines (50th), Russian Federation (55th).

14. The Commission also heard statements by the observers for: Andorra (50th), Kenya (56th), Honduras (55th), Iraq (50th), Poland (55th), Sudan (54th), Togo (50th).

15. The Commission heard a statement by the observer for the United Nations Educational, Scientific and Cultural Organization (50th).

16. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (54th), Asian Women's Human Rights Council (56th), Baha'i International Community (56th), Christian Democrat International (56th), Christian Solidarity International (56th), Commission for the Defense of Human Rights in Central America (54th), General Arab Women Federation (56th), Indian Council of Education (56th), International Association for the Defense of Religious Liberty (56th), International Confederation of Free Trade Unions (54th), International Federation of Human Rights (56th), International Federation of University Women (54th), International Institute for Peace (56th), International League for the Rights and Liberation of Peoples (54th), Transnational Radical

Party (56th), World Federation of Methodist Women (54th), World Organization against Torture (56th), World Organization of Former Pupils of Catholic Education (54th).

(b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography

17. In the general debate on agenda item 20 (b), statements 3/ were made by the following members of the Commission: Angola (50th), Australia (55th), Brazil (55th), China (50th), Cuba (54th), El Salvador (50th), India (55th), Italy (on behalf of the European Union) (50th), Philippines (50th), Venezuela (50th).

18. The Commission also heard statements by the observers for: Andorra (50th), the Czech Republic (55th), Kenya (56th), Morocco (55th), the Sudan (54th), Uruguay (55th).

19. The Commission also heard statements by the observer for Switzerland (55th).

20. The Commission also heard statements by the following non-governmental organizations: Christian Solidarity International (56th), International Abolitionist Federation (54th), International Federation of University Women (54th), World Federation of Methodist Women (54th).

(c) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

21. In the general debate on agenda item 20 (c), statements 3/ were made by the following members of the Commission: Cuba (54th), Gabon (54th).

22. The Commission heard statements by the observers for Romania (54th) and the Sudan (54th). A statement was also made by the observer for the Joint United Nations Programme on HIV/AIDS (UNAIDS) (54th).

23. The Commission also heard statements by the following non-governmental organizations: International Abolitionist Federation (54th), International Institute for Non-Aligned Studies (56th), World Federation of Methodist Women (54th), World Peace Council (56th).

(d) 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

24. In the general debate on agenda item 20 (d), statements 3/ were made by the following members of the Commission: Cuba (54th), Egypt (55th), India (55th), Kenya (56th), Nepal (54th).

25. The Commission heard statements by the observers for:

Czech Republic (55th), Morocco (55th), Sudan (54th), Uruguay (55th).

26. The Commission also heard statements by the following non-governmental organizations: Asian Women's Human Rights Council (56th), Friends World Committee for Consultation (Quakers) (54th), International Federation of University Women (54th), International League for the Rights and Liberation of Peoples (54th), World Organization of Former Pupils of Catholic Education (54th).

27. The Commission also heard a statement by the observer for Switzerland (55th).

#### Rights of the child

28. At the 62nd meeting, on 24 April 1996, the representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.43/Rev.1, sponsored by Andorra, Austria, Belgium, Bulgaria, Chile, Colombia, Croatia, Cuba, the Czech Republic, Denmark, the Dominican Republic, Estonia, Ethiopia, Finland, France, Germany, Greece, Guinea, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Peru, Poland, Portugal, the Republic of Korea, Romania, San Marino, Slovakia, South Africa, Spain, Sweden, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Argentina, Australia, Bangladesh, Belarus, Benin, Brazil, Canada, Côte d'Ivoire, Cyprus, El Salvador, Gabon, Madagascar, Malawi, Mexico, Nicaragua, Pakistan, Philippines, the Russian Federation, Uganda, Uruguay, the United States of America and Venezuela subsequently joined the sponsors.

29. The representative of Italy orally revised the draft resolution by inserting, in operative paragraph 29, before the words "of the Special Rapporteur", the words "within existing resources".

30. Statements in connection with the draft resolution were made by the representatives of India and the Philippines.

31. 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 the administrative and programme budget implications 2/ of the draft resolution.

32. The resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/85.

Draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

33. At the 62nd meeting, on 24 April 1996, the representative of Cuba withdrew draft resolution E/CN.4/1996/L.48, which read as follows:

1996/... 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,

Recalling its resolutions 1992/76 of 5 March 1992, 1993/82 of 10 March 1993, 1994/90 of 9 March 1994 and 1995/79 of 8 March 1995,

Reaffirming the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights 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 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 established a solemn commitment to grant 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 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,

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

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

Noting with satisfaction the importance of the convening of the first World Congress against Commercial Sexual Exploitation of Children,

to be held in Stockholm as part of a global effort to eradicate the phenomena of the sale of children, child pornography and child prostitution,

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

Bearing in mind the various 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 everywhere in the world,

Having considered the report of the open-ended inter-sessional working group on the 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 (E/CN.4/1996/101),

Recognizing the need to adopt urgent measures for the prevention and eradication of practices related to the sale of children, child prostitution and child pornography,

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

1. Expresses its 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, child prostitution and child pornography;

2. Urges all Governments to seek solutions and to adopt administrative and legislative measures at the national and international levels to eradicate such aberrant practices;

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

4. Reaffirms the essential value of the Convention on the Rights of the Child and of its implementation system at the national and

international levels as a means to prevent and combat the sale of children, child prostitution and child pornography, and the need to strengthen and ensure the effective implementation of the Convention;

5. Recalls the essential importance of ensuring the effective implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography adopted by the Commission on Human Rights and, in this framework, recognizes the important role of the specialized agencies, non-governmental organizations and the community at large in ensuring more effective action in preventing these practices;

6. Urges the working group to continue the elaboration, as a matter of priority, of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child;

7. Requests the Secretary-General to transmit the report of the working group to Governments, intergovernmental organizations, the Special Rapporteur, the Committee on the Rights of the Child and non-governmental organizations, and to invite them to contribute to the elaboration of the draft optional protocol on the sale of children, child prostitution and child pornography by sending comments on the report, and to transmit these comments to Governments prior to the next session of the working group;

8. Requests the working group to meet for a period of two weeks prior to the fifty-third session of the Commission;

9. Decides to consider this question, as a matter of priority, at its fifty-third session under the sub-item entitled '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';

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

'The Economic and Social Council,

'Recalling Commission on Human Rights resolution 1996/...

of .. April 1996,



'1. Authorizes the working group of the Commission on Human Rights on the 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 to meet for a period of two weeks prior to the fifty-third session of the Commission;

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

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