# **ARTICLE 62 (3)**

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#### Annex

Draft conventions and protocols submitted to the General Assembly

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

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#### **ARTICLE 62 (3)**

#### **TEXT OF ARTICLE 62 (3)**

It [the Economic and Social Council] may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

#### INTRODUCTORY NOTE

1. The structure of this study is similar to that of the studies of Article 62 (3) in the *Repertory* and its *Supplements Nos. 1, 2, 3, 4, 5, 6* and 7. The preparation of international instruments relating to the creation of specialized agencies and the preparation of international instruments under the auspices of the regional economic commissions of the Economic and Social Council are dealt with under Articles 59 and 68 respectively.

#### I. GENERAL SURVEY

As in the past, the Economic and Social Council continued to adopt decisions with regard to the preparation of draft conventions for submission to the General Assembly. During the period under review, the Council adopted decisions with regard to the preparation of two instruments: a draft international convention on organized crime and a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The draft optional protocol was subsequently submitted to the General Assembly for possible adoption. During the previous review period, the Council also adopted decisions with regard to an initiative of one of its subsidiary bodies. In that context, work continued on three draft international instruments falling within its competence: the draft optional protocol to the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, <sup>1</sup> the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts<sup>2</sup> and the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the basic measures needed for the prevention and eradication thereof.<sup>3</sup>

#### II. ANALYTICAL SUMMARY OF PRACTICE

# A. Preparation of draft conventions

- 1. PREPARATION OF DRAFT CONVENTIONS BY THE ECONOMIC AND SOCIAL COUNCIL
- (a) Decisions relating to preparation of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 3. During the period under review, the Economic and Social Council continued to prepare, through its subsidiary bodies, the draft protocol to the Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>4</sup> At its 1995 session, by decision 1995/33, the Council authorized an openended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-second session of the Commission in order to continue the elaboration of the draft optional protocol to that Convention. On the recommendation of the

<sup>&</sup>lt;sup>1</sup> G A resolution 39/46, annex.

<sup>&</sup>lt;sup>2</sup> ESC resolution 1995/37.

<sup>&</sup>lt;sup>3</sup> E S C resolution 1995/35.

<sup>&</sup>lt;sup>4</sup> See *Repertory, Supplement No.* 8, vol. IV, under Article 62 (3).

Commission,<sup>5</sup> the Council continued to authorize meetings of the open-ended working group.<sup>6</sup>

- (b) Decisions relating to preparation of the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and the draft optional protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography
- 4. During the period under review, the Council continued to prepare, through its subsidiary bodies, two draft protocols to the Convention on the Rights of the Child.<sup>7</sup> In taking note of the relevant resolutions of the Commission on Human Rights,<sup>8</sup> the Council continued to adopt decisions of the same nature in respect of the open-ended inter-sessional working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflicts.<sup>9</sup>
- 5. Similarly, in taking note of the relevant resolutions of the Commission on Human Rights, <sup>10</sup> the Council continued to adopt decisions regarding the preparation of the draft optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography. In taking note of the resolution of the Commission on Human Rights, the Council renewed authorization for the meetings of the working groups each year during the remainder of the review period. <sup>11</sup>

# (c) Question of a draft United Nations framework convention against organized crime and related instruments

- The question of a convention against organized crime arose from the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (the Naples Action Plan), 12 which had been adopted at the 1994 World Ministerial Conference on Organized Transnational Crime. It called for the elaboration of international instruments, such as a conventions convention or against organized transnational crime. 13 Support for a convention in that field was expressed at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Thus, the Council, by its resolution 1995/11, in taking note of a report by the Secretary-General on proposals relating to the programmatic aspects of the Naples Action Plan, requested the Secretary-General to "... initiate the process of requesting the views of Governments on the opportunity and impact of international instruments such as a convention or conventions against organized transnational crime and on the issues and elements that could be covered therein ...".
- The following year, by resolution 1996/27, the Council, in taking note of the report of the Secretary-General, requested that he continue consultations with Governments on the possibility of elaborating a convention or conventions against organized transnational crime, on the elements that could be included therein, and to make a thorough analysis of the views of those Governments, taking into account, inter alia, the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime. 14 The Council further requested that the Secretary-General submit a report thereon to the Commission on Crime Prevention and Criminal Justice at its sixth session. In that context, the Council decided that the Commission should establish an in-session open-ended working group for the purpose of, inter alia, considering the

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<sup>&</sup>lt;sup>5</sup> E/1996/23, resolution 1996/37; E/1997/23, resolution 1997/24; and E/1998/23, resolution 1998/34.

<sup>&</sup>lt;sup>6</sup> E S C resolutions 1996/22, 1997/49, 1998/35 and E S C decision 1999/237.

<sup>&</sup>lt;sup>7</sup> See *Repertory*, *Supplement No.* 8, vol. IV, under the present Article

<sup>8</sup> E/1997/23, resolution 1997/78; E/1998/23, resolution 76; E/1999/23, resolution 90.

<sup>&</sup>lt;sup>9</sup> E S C resolution 1995/79 and E S C decisions 1996/288, 1997/281, 1998/271 and 1999/249.

<sup>&</sup>lt;sup>10</sup> E/1997/23, resolution 1997/78; E/1998/23, resolution 1998/76; and E/1999/23, resolution 1999/80.

<sup>&</sup>lt;sup>11</sup> E S C resolution 1995/79 and E S C decisions 1996/288, 1997/281, 1998/271 and 1999/249.

<sup>&</sup>lt;sup>12</sup> See A/49/748, annex, chap. I, sect. A. Approved by G A resolution 49/159.

<sup>&</sup>lt;sup>13</sup> A/49/748, annex, chap. I, sect A. See also E S C resolution 1995/11.

<sup>&</sup>lt;sup>14</sup> Adopted by the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires, Argentina, from 27 to 30 September 1995. See E/CN.15/1996/2/Add.1, annex.

report and proposals of the Secretary-General and the possibility of elaborating a convention or conventions against organized transnational crime, including the identification of elements that could be included therein.

- 8. Prior to its sixth session in 1997, the Commission held an informal meeting 15 on, inter alia, the basic orientation, effectiveness and scope of an international convention, taking into account the draft framework convention 16 and views submitted by Member States. Subsequently, at its sixth session, the Commission reported, inter alia, 17 that the majority of the participants supported the elaboration of such an international instrument. 18 The Commission also noted proposals on additional topics to be included, such as extradition, money-laundering, terrorism, trafficking in firearms, trafficking in children, trafficking in illegal migrants, trafficking in nuclear material, confiscation of proceeds of crime and transfer of such proceeds.
- At its subsequent sessions, the Council adopted each year a decision recommending to the General Assembly the adoption of the draft resolution.<sup>19</sup> In its resolution 1997/22, the Council recommended that the Assembly take note of the report of the informal meeting on the question of the elaboration of the convention and establish an intersessional open-ended intergovernmental group of experts to consider the question. The Working Group on the Implementation of the Naples Political Declaration and Global Action Organized Transnational against established by the Commission on Crime Prevention and Criminal Justice at its seventh session, discussed the draft convention against transnational organized crime, basing its work on the results of the meetings of the intersessional open-ended intergovernmental group of experts held in 1998. The working group recommended that the Commission establish, on an ad hoc basis, an open-ended intergovernmental committee to carry out negotiations for the finalization of the draft convention.<sup>20</sup> On the recommendation of

Commission on Crime Prevention and Criminal Justice, the Council transmitted a draft resolution for possible action by the General Assembly, in which the Assembly would establish an open-ended intergovernmental ad hoc committee for the purposes elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea.<sup>21</sup>

- 10. As was the case with the group of experts working pursuant to General Assembly resolution 52/85, the Ad hoc Committee on the Elaboration of a Convention against Transnational Organized Crime submitted its report to the Commission on Crime Prevention.
- 11. In its resolution 1999/20. the Council recommended to the General Assembly for adoption a resolution whereby the Assembly would decide that the additional international instrument being prepared by the Ad hoc Committee addressing trafficking in women and children should also address trafficking in all persons, but especially women and children, and would request that Committee to make any corresponding changes to the draft instrument. The Assembly, under the draft resolution, would request that Committee to continue its work, and would decide that the Committee would be convened in 2000 as required in order to complete its tasks. The Assembly would also request it to schedule sufficient time for the negotiation of the draft protocols addressing trafficking in persons, women and children. especially manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transportation of migrants, including by sea, in order to enhance the possibility of their completion at the same time as the draft convention. Finally, the Assembly would decide to convene a conference of plenipotentiaries in 2000 with the objective of finalizing and adopting the draft convention and the protocols thereto and to opening them for signature at the Millennium Assembly.

<sup>&</sup>lt;sup>15</sup> Held in Palermo, Italy, from 6 to 8 April 1997. See E/CN.15/1997/7/Add.2.

<sup>&</sup>lt;sup>16</sup> A/C.3/51/7.

<sup>&</sup>lt;sup>17</sup> E/1997/30-E/CN.15/1997/21. See also G A resolution 51/120.

<sup>&</sup>lt;sup>18</sup> E/1997/30-E/CN.15/1997/21, chap. V, sect. B.

<sup>&</sup>lt;sup>19</sup> E S C resolutions 1997/22, 1998/14, 1999/20 and 1999/21.

<sup>&</sup>lt;sup>20</sup> E/1998/30, annex III.

<sup>&</sup>lt;sup>21</sup> E S C resolution 1998/14. See paras. 25 and 26 below.

- 12. In addition, the Council adopted a decision for action by the Assembly entitled "Activities of the Ad hoc Committee on the Elaboration of a Convention Organized against Transnational Crime: manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as consideration of the need to develop an instrument on the illicit manufacturing of and trafficking in explosives".<sup>22</sup> The Assembly thereby would encourage that Ad hoc Committee to continue the negotiation of an international legal instrument dealing with the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and recommend that, in negotiating the international legal instrument, the Ad hoc Committee would take into account, when appropriate and pertinent, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms. The Assembly would also request the Secretary-General to report, as early as possible, to the Commission on Crime Prevention and Criminal Justice on the results of the study, and would direct the Ad hoc Committee, following the completion of the study by an expert group on the illicit manufacturing of and trafficking in explosives, to consider the possible elaboration of an international instrument on the illicit manufacturing of and trafficking in explosives.
- (d) Decisions relating to preparation of the draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- 13. It may be recalled that Economic and Social Council resolution 1994/7 requested the Commission on the Status of Women to request that an expert group meeting be convened in 1994 to prepare a draft optional protocol to the Convention.<sup>23</sup> During the period under review, preparation of that protocol by the subsidiary bodies of the Council continued.
- 14. The Commission, in conjunction with the Maastricht Centre for Human Rights at Maastricht University in the Netherlands and the International Human Rights Law Group in Washington, D.C., convened an expert group meeting in 1994 and drew up a draft optional protocol. At its fourteenth session in 1995 the Convention on the Elimination of Discrimination against Women discussed the draft and

adopted suggestion No. 7 on the elements of an optional protocol, which the Committee transmitted to the Commission and the Economic and Social Council for their consideration.<sup>24</sup> In its resolution 1995/29, the Council noted the suggestion and decided that the Commission should establish an in-session open-ended working group for a two-week period at its fortieth session to consider the report of the Secretary-General the views expressed by Governments, intergovernmental organizations and non-governmental organizations regarding the optional protocol to the Convention, including those related to feasibility, taking into account the elements suggested by the Committee in its suggestion No. 7.

- 15. At its fortieth session, the Commission requested the Secretary-General to provide a summary of existing communications and inquiry procedures and practices under international human rights instruments and under the Charter of the United Nations. It recommended a draft for adoption by the Economic and Social Council that would renew the mandate of the open-ended working group on the elaboration of a draft protocol.<sup>25</sup> The Council adopted the recommendation in its decision 1996/240.
- 16. In 1997, the Commission, in its resolution 41/3, noted the progress that had been achieved by the openended working group and took note of the reports of the Secretary-General containing a comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the Charter of the United Nations. The Commission requested the Secretary-General to submit to the Commission a report containing an annotated comparison of the draft optional protocol and the proposed amendments thereto with the provisions of existing international human rights instruments.<sup>26</sup> On the recommendation of the Commission, the Council renewed the mandate of the working group.<sup>27</sup>
- 17. In 1998, the open-ended working group appended a revised draft of the optional protocol to the report of the Commission at its forty-second session.<sup>28</sup> The working group finalized its negotiations in 1999 and

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<sup>&</sup>lt;sup>22</sup> E S C resolution 1999/21. See para. 27 below.

<sup>&</sup>lt;sup>23</sup> See Repertory, Supplement No. 8, vol. IV, under Article 62 (3).

<sup>&</sup>lt;sup>24</sup> A/50/38, suggestion 7, p. 2.

<sup>&</sup>lt;sup>25</sup> E/1996/26, resolution 40/8.

<sup>&</sup>lt;sup>26</sup> E/1997/27, Commission resolution 41/3 and decision 1.

<sup>&</sup>lt;sup>27</sup> E S C decision 1997/227.

 $<sup>^{28}</sup>$  E/1998/27, chap. V and annex II.

submitted the draft and its enabling draft resolution to the Commission,<sup>29</sup> which in turn recommended the draft to the Economic and Social Council for adoption by the General Assembly.

- 18. By its resolution 1999/13, the Council submitted a draft resolution for the attention of the General Assembly, by which the Assembly would adopt the annexed Optional Protocol to the Convention.
- 2. DECISIONS OF THE GENERAL ASSEMBLY AFFECTING THE PREPARATION OF DRAFT CONVENTIONS BY THE ECONOMIC AND SOCIAL COUNCIL
- (a) Decisions relating to preparation of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 19. In its resolution 51/86, the General Assembly encouraged the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention to intensify its deliberations with a view to concluding its work early. Subsequently, the Assembly took note of the efforts made by the intersessional open-ended working group and urged the Commission to complete as soon as possible a final text for submission to the General Assembly, through the Economic and Social Council, for consideration and possible adoption.<sup>30</sup>
  - (b) Decisions relating to preparation of the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts
- 20. With regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, the General Assembly adopted a resolution each year during the period under review, expressing its support for the work of the working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention.<sup>31</sup> By its resolution 50/153 II, the Assembly invited the open-ended intersessional working group to pursue its mandate. It stressed the urgent need to raise the current human rights standards set by Article 38 of the Convention on the Rights of the

Child, and expressed its support for the task given to the chairperson of the working group by the Commission in its resolution 1998/76. The task was to undertake broad informal consultations with a view to presenting a progress report to the working group at its next meeting.<sup>32</sup> At its fifty-fourth session, the Assembly expressed its strong support of the consultations conducted by the chairperson of the working group in order to make further progress with the aim of finalizing its work before the tenth anniversary of the entry into force of the Convention in 2000.<sup>33</sup>

- (c) Decisions relating to preparation of the draft optional protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography
- 21. In its resolution 50/153 III, the Assembly took note of the establishment by the Council in its resolution 1994/9 of an open-ended intersessional working group of the Commission on Human Rights responsible for elaborating guidelines for a possible draft optional protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography, as well as the basic measures needed for the prevention and eradication of those abnormal practices. In inviting the working group to pursue its mandate, the Assembly requested that all States support efforts in the context of the United Nations system aimed at adopting efficient international measures for the prevention and eradication of all those practices and consider contributing to the drafting of an optional protocol to the Convention on the Rights of the Child. The Assembly reiterated its support of the work throughout the review period.<sup>34</sup> At its fifty-fourth session, the Assembly urged the working group to finalize its work before the tenth anniversary of the entry into force of the Convention in 2000.35

<sup>&</sup>lt;sup>29</sup> E/1999/27.

<sup>&</sup>lt;sup>30</sup> G A resolution 53/139.

<sup>&</sup>lt;sup>31</sup> G A resolutions 51/77, sect. II; 52/107, sect. IV; 53/128, sect. IV; and 54/149, sect. III.

<sup>32</sup> G A resolution 53/128 IV.

<sup>33</sup> G A resolution 54/149 III.

 $<sup>^{34}</sup>$  G A resolution 51/77 IV, 52/107 III, 53/128 III and 54/149 II.

<sup>35</sup> G A resolution 54/149 II.

- (d) Decisions relating to preparation of the draft United Nations framework convention against organized crime
- 22. With regard to the question of a draft international convention on organized crime the General Assembly by its resolution 51/120, taking into account the decision of the Economic and Social Council in its resolution 1996/27 to establish an intersession open-ended working group, took note of the proposed draft United Nations framework convention against organized crime introduced by the Government of Poland,<sup>36</sup> and requested the Commission, as a matter of priority, to consider the question of the elaboration of such a convention, taking into account the views of all States.
- 23. At its fifty-second session, the Assembly adopted the draft resolution contained in Council resolution 1997/22 as resolution 52/85.37 It took note of the Secretary-General's reports submitted to the Commission at its sixth session,<sup>38</sup> as well as 40 recommendations elaborated and endorsed by the Senior Experts Group on Transnational Organized Crime.<sup>39</sup> In taking note of the report of the informal meeting on the question of the elaboration of an international convention against organized transnational crime, the Assembly decided to establish an intersessional open-ended intergovernment group of experts of the Commission to elaborate a preliminary draft of a possible comprehensive international convention against organized transnational crime. It requested<sup>40</sup> that the group of experts give priority consideration to the measures for judicial and police cooperation and identification of the scope of application of cooperation and provisions relating to criminal offences.41 The group of experts was also requested to indicate the need for special provisions relating to specific types of crime, including trafficking in children, corruption, offences related to firearms and trafficking in illegal migrants, that may be the subject of international instruments associated with or separate from the draft convention.

... an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea.

The Assembly requested the intergovernmental group of experts, when elaborating the preliminary draft:

(a) To take into account existing multilateral instruments, the draft United Nations framework convention against organized crime presented by the Government of Poland at the fifty-first session of the General Assembly, contained in annex III to the present resolution, the report of the Chairman of the Working Group on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and the Question of the Elaboration of an International Convention against Organized Transnational Crime, contained in annex IV to the present resolution, the principles indicated in the above-mentioned 40 recommendations, and the observations and proposals made by other member States during the sixth session of the Commission on Crime Prevention and Criminal Justice, including those contained in annexes V and VI to the present resolution, as well as those contained in the report of the Secretary-General on the question of the elaboration of an international convention against organized transnational crime and the principles

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<sup>24.</sup> In resolution 53/111, the Assembly welcomed the above-mentioned report of the meeting of the group of experts<sup>42</sup> and took note of the Secretary-General's report on the question of elaboration of an international convention against organized transnational crime and other possible international instruments.<sup>43</sup> Upon recommendation of the Council,<sup>44</sup> the Assembly decided to establish:

<sup>&</sup>lt;sup>36</sup> A/C.3/51/7, annex. See also E S C resolution 1997/22, annex III.

<sup>&</sup>lt;sup>37</sup> See E/1997/30-E/CN.15/1997/21, para. 1, draft resolution I.

<sup>38</sup> E/CN.15/1997/7, Add.1 and 2.

<sup>&</sup>lt;sup>39</sup> E S C resolution 1997/22, annex I.

<sup>&</sup>lt;sup>40</sup> G A resolution 52/85.

<sup>&</sup>lt;sup>41</sup> E/CN.15/1998/5.

<sup>42</sup> E/CN.15/1998/5. See Repertory, Supplement No. 9, vol. IV, paras, 14 and 15.

<sup>43</sup> E/CN.15/1998/6.

<sup>&</sup>lt;sup>44</sup> See E S C resolution 1998/14. See also E/1998/30-E/CN.15/1998/11, annex III.

contained in the report of the Secretary-General on measures to prevent trafficking in children;

- (b) To give priority consideration to the following issues:
  - (i) Measures for judicial and police cooperation, particularly in relation to mutual assistance, extradition, money-laundering and confiscation of illicit assets, protection of witnesses, information sharing, training and other forms of technical assistance;
  - (ii) Identification of the scope of application of the above-mentioned measures, having particular regard to the documents contained in annexes III and IV to the present resolution;
  - (iii) Provisions related to criminal offences, particularly in the areas of criminal associations, conspiracy and money-laundering;
- (c) Also to consider indicating the need for special provisions related to specific types of crime, such as trafficking in children, corruption, offences related to firearms, trafficking in illegal migrants and theft of motor vehicles, that may be the subject of international instruments, whether associated with or separate from the draft convention.
- 25. Subsequently, in its resolution 53/114 the Assembly called on the Ad hoc Committee to devote its attention to the drafting of the main text of such instruments, taking into account the report of the group of experts, 45 the report of the working group on the implementation of the Naples Action Plan, 46 and Council resolutions 1998/18, 1998/19 and 1998/20.
- 26. At its fifty-fourth session, the Assembly adopted resolution 54/126 and 54/127, on the recommendation of the Economic and Social Council in its resolutions 1999/20 and 1999/21, respectively.<sup>47</sup>
- (e) Decisions relating to preparation of the draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- 27. In its resolution 51/68, the General Assembly welcomed the report of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of

<sup>45</sup> E/CN.15/1998/5.

Discrimination against Women of the Commission on the Status of Women, and decided to authorize the working group to meet for 10 working days, in parallel with the Commission on the Status of Women at its forty-first session.

28. Upon finalization of the draft optional protocol to the Convention, by its resolution 54/4, the General Assembly, on the recommendation of the Commission on the Status of Women and the Economic and Social Council,<sup>48</sup> adopted and opened for signature, ratification and accession the annexed Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

# 3. CONSULTATION WITH MEMBER STATES AND SPECIALIZED AGENCIES BY THE ECONOMIC AND SOCIAL COUNCIL IN THE PREPARATION OF DRAFT CONVENTIONS

- 29. As in the past, the Economic and Social Council requested consultation with Member States and specialized agencies in the preparation of draft conventions. Such requests were made for input by intergovernmental organizations, non-governmental organizations, the International Committee of the Red Cross, the Committee on the Rights of the Child and the relevant special rapporteur.
- 30. Such consultation generally takes the form of requests for views and comments: the Council, usually acting to approve a resolution of the subsidiary body in question, calls on the Secretary-General to invite Governments, intergovernmental organizations and non-governmental organizations to submit their views on the instrument in question, and requests him to submit those comments to the appropriate working group.<sup>49</sup> In the case of the draft United Nations

<sup>&</sup>lt;sup>46</sup> E/1998/30 and Corr.1.

<sup>&</sup>lt;sup>47</sup> See paras. 11 and 12 above.

<sup>&</sup>lt;sup>48</sup> E S C resolution 1999/13.

<sup>&</sup>lt;sup>49</sup> See, e.g., E S C resolution 1995/33 (approving the request in Commission on Human Rights resolution 1995/33) in the case of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; E S C decision 1996/288 (approving the request contained in Commission on Human Rights resolutions 1996/85 and 1996/90, respectively) in the case of the draft optional protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography and the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; E S C resolution 1995/29 in the case of the draft optional

framework convention against organized crime, such requests were made through the Council by the Assembly. In addition, Governments also contributed proposed drafts of the convention for the consideration of the Ad hoc Committee.<sup>50</sup>

\*\*4. REQUESTS BY THE ECONOMIC AND SOCIAL COUNCIL FOR PREPARATION OF DRAFT CONVENTIONS BY OTHER BODIES

- \*\*B. Authorization by the Economic and Social Council for the Secretary-General and others to submit draft conventions to the General Assembly
  - \*\*C. Submission by the Economic and Social Council of draft conventions to international conferences of States under Article 62 (4)

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protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

<sup>&</sup>lt;sup>50</sup> E S C resolution 1997/22, annexes III and V. See also A/AC.254/5 and Add.2, and A/55/383.

## **ANNEX**

# Draft conventions and protocols submitted to the General Assembly

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

G A resolution 54/4.