



General Assembly

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HUMAN RIGHTS COUNCIL
Eleventh session
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

Austria*, Belarus*, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Chile, Colombia*, Costa Rica*, Croatia*, Cyprus*, Denmark*, Dominican Republic*, Ecuador*, Egypt, Finland*, France, Germany, Guatemala*, Honduras*, Italy, Kazakhstan*, Kenya*, Lebanon*, Liechtenstein*, Lithuania*, Malta*, Mexico, Montenegro*, Netherlands, Nicaragua, Panama*, Peru*, Portugal*, Slovakia, Slovenia, Spain*, Thailand*, the former Yugoslav Republic of Macedonia*, Ukraine, Uruguay: draft resolution

11/... Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure

The Human Rights Council,

Recalling the Principles proclaimed in the Charter of the United Nations and that recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

* Non-member State of the Human Rights Council.

Recalling that, in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the World Conference reiterated the principle of “First Call for Children” and emphasized that the rights of the child should be a priority in the United Nations system-wide action on human rights,

Welcoming the almost universal ratification of the Convention on the Rights of the Child and the ratification by more than 120 States of each of the two Optional Protocols to the Convention,

Taking note of Council resolution 10/14 of 26 March 2009, in which the Council celebrated the twentieth anniversary of the Convention on the Rights of the Child, and called for effective implementation of the Convention by all States parties to ensure that all children may fully enjoy all their human rights and fundamental freedoms,

Noting with interest general comment No. 5 (2003) of the Committee on the Rights of the Child, in which the Committee emphasized that children’s special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights,

Noting that procedures allowing for individual communications have been established for other core international human rights treaties, namely, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and for the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities,

Noting also that children and their representatives lack a communications procedure under the Convention on the Rights of the Child by which communications concerning the effective implementation of the rights set out in the Convention can be considered by an appropriate committee of independent experts,

Recalling the view of the Committee on the Rights of the Child, expressed by its Chairperson in her oral report to the General Assembly at its sixty-third session, that the development of a communications procedure for the Convention on the Rights of the Child would significantly contribute to the overall protection of children's rights,

1. *Decides* to establish an Open-ended Working Group of the Human Rights Council to explore the possibility of elaborating an optional protocol to the Convention on the Rights of the Child to provide a communications procedure complementary to the reporting procedure under the Convention;

2. *Also decides* that the Working Group shall hold its first session for five working days in Geneva before the end of 2009, within existing resources;

3. *Further decides* to invite a representative of the Committee on the Rights of the Child to attend the session as a resource person and, where appropriate, relevant United Nations special procedures and other relevant independent experts, and also invites them to submit inputs to the Working Group for its consideration;

4. *Requests* the Working Group to submit a report on progress made to the Council for consideration at its thirteenth session.
