



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/Sub.2/2003/26
30 May 2003

Original: ARABIC/ENGLISH/
FRENCH/SPANISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion and
Protection of Human Rights
Fifty-fifth session
Item 6 of the provisional agenda

CONTEMPORARY FORMS OF SLAVERY

**Report of the Secretary-General on the implementation of the
Programme of Action for the Prevention of the Sale of Children,
Child Prostitution and Child Pornography, submitted pursuant
to Sub-Commission resolution 1998/19**

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Introduction

1. The Commission on Human Rights adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography in its resolution 1992/74, and requested the Sub-Commission to submit to it every two years a progress report on the implementation of the Programme of Action by all States.
2. In its resolution 2002/27, the Sub-Commission requested the Secretary-General to invite all States to inform the Working Group on Contemporary Forms of Slavery of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and to report thereon to the Sub-Commission at its fifty-fifth session and to the Commission at its sixtieth session.
3. In order that the Working Group might examine this matter at its twenty-eighth session, the Secretariat sent notes verbales and letters requesting the desired information. As at 8 May 2003, replies had been received from Argentina, France, Mauritius, Namibia, Uganda and the United Arab Emirates. Replies have also been received from the following non-governmental organizations: Tunisian Association for the Rights of the Child and International Federation Terre des Hommes.

I. REPLIES RECEIVED FROM GOVERNMENTS

Argentina

[Original: Spanish]
[30 April 2003]

1. Where measures to ban the sale of children and child prostitution are concerned, attention is drawn to the signing by Argentina, on 1 April 2002, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Legal procedures are currently under way with a view to the eventual ratification of the Optional Protocol.
2. In that context, and as stated previously, the National Council for Childhood, Adolescence and the Family is running a number of programmes and projects dealing with aspects of trafficking in children, the sexual exploitation of children and child labour, which include the following:
 - (a) Subprogramme to prevent and combat the abduction of and trafficking in children, under the Adoptions Department of the above-mentioned National Council;
 - (b) Analysis of the legal aspects of the issue;
 - (c) Setting up and operation of community centres for the promotion and protection of the rights of children, adolescents and families throughout the country, under the national plan for the implementation of the Convention on the Rights of the Child;

(d) Participation of the National Council for Childhood, Adolescence and the Family in the work of the inter-agency body, the National Commission for the Eradication of Child Labour (CONAETI);

(e) Signing of a recent cooperation agreement with the non-governmental organization “Missing Children”, the federal police and the Association of Juvenile and Family Magistrates and Officials.

3. On 25 August 2002, the National Commission for the Elimination of Child Labour (CONAETI) was established by decree No. 719. CONAETI is an inter-ministerial and cross-sectoral body which falls under the responsibility of the Ministry of Labour, Employment and Social Security. Its activities are primarily designed to promote the prevention and elimination of child labour in all areas and at all levels. With that aim in mind, the government, trade union, business and non-governmental organizations on the Commission have been tasked with setting up a subcommission to draft a national plan.

4. The framework in which these activities are being conducted is determined by the obligations devolving on the State under article 32 of the Convention on the Rights of the Child and the policy instruments of the International Labour Organization (ILO), such as its Convention No. 138, ratified by law, which states that each member for which the Convention has entered into force shall undertake to pursue a national policy designed to ensure the effective abolition of child labour.

5. In order to attain the goals set by CONAETI, a broad-based participatory process has been launched, with the formation of working groups on the various thematic areas. To this end, the foundations have been laid for a national plan for the prevention and elimination of the scourge of child labour in both rural and urban areas.

6. The main activities pursued by CONAETI relating to the sexual exploitation of children over the reporting period include the following:

(a) Workshop, held in Puerto Iguazú in November 2002, to explore the concepts of child labour and the sexual exploitation of children for commercial purposes;

(b) Workshop on the gradual elimination of child labour and sexual exploitation of children for commercial purposes, held in the city of El Dorado, Misiones province, on 13 and 14 February 2003, with the participation of representatives from the El Dorado municipality and the governing body of CONAETI.

France

[Original: French]

[22 July 2002]

1. Where the sale of children, child prostitution and pornography are concerned, French law covers the offences of procuring and procuring with aggravating circumstances, such as offering inducements to persons arriving on French territory to engage in prostitution; using force, torture or acts of cruelty; and committing the offence as an organized gang (article 225-5-article 255-10 of the Criminal Code); young age of the victim (art. 225-7-1); and

sexual tourism (art. 222-22, para. 2). By including these categories of criminal offences, the law now covers the specific types of sexual exploitation practised by international networks, and also the sexual exploitation of minors. Accordingly, trafficking in human beings, seen from this standpoint, falls in the category of aggravated procuring.

2. These provisions have been further strengthened by those of the Economic Regulations Act of 15 May 2001, which extends the definition of criminal conspiracy to the preparation of any offence and creates a new criminal charge applicable to cases where persons closely associated with criminal gangs are unable to account for their lifestyle.

3. Under this provision, it has therefore been possible to criminalize and to provide stiff penalties for sexual exploitation, by substantially increasing the severity of the sentences handed down and by extending the area covered by the criminal charge, which now also applies to legal entities.

4. Where sexual offences committed against juveniles are concerned, French law has evolved considerably, to make it more effective in combating sexual tourism, targeted at juveniles.

5. Article 113-2 of the Criminal Code stipulates that French criminal law is applicable to all offences committed on the territory of the French Republic. Certain acts committed outside France, however, may also incur the penalties provided under French law. This applies to any French national who commits an offence or a wrongful act outside the territory of the French Republic, provided the law of the country where the acts were committed provides equally stiff penalties for the same offences (principle of double criminality, as set out in article 113-6 of the Criminal Code). Under French criminal law, offences and wrongful acts which are punishable by imprisonment and perpetrated by a French national or by an alien to the detriment of a victim who is a French national incur the same penalty even when they are committed abroad (art. 113-7). In the above two cases, the application of French criminal law to offences committed outside France is, however, conditional upon an official accusation of such offence being lodged by the authority of the country where it was committed or a complaint by the victim or the victim's attorney, and an undertaking that prosecution may only be instigated at the behest of the public prosecutor (art. 113-8).

6. Article 19 of the Sexual Offences (Prevention and Prosecution) (Protection of Juveniles) Act No. 98-468 of 17 June 1998 extends the punitive mechanisms provided under the law in this area to offences committed outside France against juveniles.

7. Thus, criminal charges will now be incurred by persons who, without themselves being French nationals, are domiciled on French territory and commit offences abroad against juvenile victims.

8. In addition, the conditions under which criminal proceedings may be mounted have been rendered more flexible in respect of the following offences committed outside the territory of France: sexual assaults (article 222-22, paragraph 2 of the Criminal Code); corruption of minors, engaging in child pornography, ordinary or aggravated sexual offences (art. 227-27-1); and involving minors in prostitution (articles 225-12-1 and 225-12-2, pursuant to article 13 of the Parental Authority Act No. 2002-305 of 4 March 2002).

9. Thus, in order to prosecute the above-listed offences the double criminality requirement has been set aside and it is no longer necessary for the wrongful acts to be indictable both in the country where the acts were committed and in France, an indictment under French law now being sufficient to institute such prosecution, or for an official accusation to be filed by the authorities of the country where the offence was committed or for a complaint to be lodged by or on behalf of the victim. The French public prosecutor's office is therefore able to initiate proceedings even if there is no complaint by victims or official report.

10. It should be noted, in this context, that these two preconditions had already been set aside under French law (see Act No. 94-89 of 1 February 1994), but only in the case of sexual offences against minors of 15 and under, which involved the payment of a fee.

11. It should also be recalled that, by an act adopted on 17 June 1998, the statute of limitations for offences committed against minors had been extended to 10 years for aggravated sexual assaults and offences covered by articles 222-30 and 227-26 of the Criminal Code, and for these same offences, as well as for the other offences listed in article 8, paragraph 2, of the Code of Criminal Procedure and for all criminal offences, the point from which the limitation period started to run had been deferred to the moment at which the victim attained majority age.

12. Finally, this paragraph establishes the principle of the responsibility of legal entities wherever activities involving child pornography (article 227-23 of the Penal Code) or simple or aggravated sexual assault (articles 227-25 to 227-27 of the Penal Code) are carried out on their behalf by their associated bodies or representatives, particularly for the corruption of minors (article 227-22 of the Penal Code).

13. The new act has also rounded off the additional penalties incurred both by individuals and legal entities for any offences against minors, by making provision, among other things, for the confiscation of the instrument or the proceeds of the offence and for a prohibition on the exercise of the activity in question. This latter prohibition means that legal entities are prohibited from exercising, either at any time or for a period of five or more years, a professional or social activity or activities related to the activity in the course of which or during which the offence was committed; and that individuals are prohibited from exercising, either at any time or for a period of 10 and more years, any professional or charitable activity involving regular contact with minors.

14. An act was adopted on 4 March 2002 which further extended and toughened these provisions. Under this act, employing the services of underage prostitutes and possessing pornographic images of minors are now criminal offences.

15. Article 13 of this act states the principle that the prostitution of minors is prohibited throughout the territory of France.

16. There are, however, no criminal provisions punishing minors who engage in prostitution, since the act of prostitution itself falls under the general law which only penalizes soliciting in public places for the purpose of sexual relations, which constitutes a category 5 offence, now obsolete (article R625-8 of the Criminal Code).

17. Only the procurer and, henceforth, the client of an underage prostitute incur criminal penalties, while the child himself or herself is considered, on the contrary, to be in a situation of danger, in terms of the provisions of article 375 of the Civil Code on educational assistance.

18. Pursuant to this act, a new article 225-7-1 has been introduced into the Criminal Code, laying down criminal penalties for the procuring of minors under the age of 15, which shall henceforth be an offence incurring 15 years' criminal detention and a fine of 3 million francs.

19. The aggravating circumstances of the procurement when committed in respect of minors, as specified in article 225-7, paragraph 1, of the Criminal Code, have not been changed, from which it proceeds that the penalty of 10 years' imprisonment incurred under this charge shall now only apply when the minors concerned are aged between 15 and 18.

20. The client of an underage prostitute, who, hitherto, could be prosecuted under more general charges, such as sexual offences against a minor of 15 years and under not involving violence, coercion, threats or surprise, but aggravated by the payment of a fee (article 227-26, paragraph 4 of the Criminal Code), or the corruption of a minor (art. 227-22), will henceforth be committing a specific offence merely by taking these actions.

21. The new article 225-12-1 of the Criminal Code punishes the act of soliciting, accepting or obtaining, in exchange for a fee, sexual relations with a minor who engages in prostitution, even if not habitually.

22. This offence incurs a penalty of three years' imprisonment and a fine of 45,000 francs, increased to five years' imprisonment and 75,000 francs fine when the offence is aggravated by one of the following circumstances set out in article 225-12-2, paragraph 1, of the Criminal Code:

(a) When the offence is committed on a habitual basis or with the involvement of more than one minor;

(b) When the minor in question was put in contact with the offender by the use of a telecommunications network intended for the dissemination of messages to an unrestricted public;

(c) When the acts have been perpetrated by persons abusing the authority conferred upon them by their official position.

23. The penalty is further extended to seven years and a fine of 100,000 francs, when the underage prostitute is under 15 years of age (art. 225-12-2, para. 2).

24. Attention should be drawn to the following:

(a) While this new offence is applicable to a minor resorting to the prostitution of another minor, only persons of majority age may be charged with the commission of sexual offences and the corruption of minors;

(b) For the purposes of coordination, the legislator has annulled paragraph 4 of article 227-26 of the Criminal Code, in terms of which a sexual offence is aggravated if accompanied by the payment of a fee; and

(c) Legal entities incur criminal liability for offences involving the prostitution of minors (new article 225-12-4 of the Criminal Code);

(d) As with offences committed outside the country and punishable under the campaign to combat sexual tourism, the offence of employing the services of an underage prostitute, as covered by articles 225-12-1 and 225-12-2 of the Criminal Code, when committed by French nationals or by persons habitually resident on French territory, is a punishable offence even when it is committed outside France and, by derogation from articles 113-6 and 113-8 of the Criminal Code, may be prosecuted even if the action concerned is not a punishable offence in the country where it was committed and without the need for an official accusation by the State where the action was performed or a prior complaint by the victim (new article 225-12-3 of the Criminal Code).

25. Finally, the exceptional procedure rules, laid down in articles 706-34 ff of the Code of Criminal Procedure, applicable to procuring and conspiracy for the purposes of procuring, have been extended to cover the offences of employing the services of prostitutes punishable under articles 225-12-1 and 225-12-2 of the Criminal Code.

Mauritius

[Original: English]
[2 April 2003]

1. The Government of Mauritius is firmly committed to the survival, development and protection of children from any form of abuse and exploitation. Sexual abuse and commercial sexual abuse has been a special concern for the Ministry of Women's Rights, Child Development and Family Welfare.

Studies

2. A study on Sexual Exploitation of Children was carried out in 1998 and an Action Plan was prepared.

3. A second study on Commercial Sexual Exploitation of Children (CSEC) has been carried out with the support of the United Nations Children's Fund (UNICEF). The aim of this quantitative study is to assess the extent of CSEC.

Key findings

4. The main findings of the two studies carried out are as follows:

- It is estimated that there are more than 2,600 children and 3,900 adults involved in prostitution. (They come from both rural and urban areas and form the main ethnic groups in Mauritius with a high prevalence in the Christian group);

- The underlying causes of CSEC are broken families, sexual abuse within and outside the family, early school dropouts, substance abuse and the negative influence of the family environment and peers;
- Monthly income of the majority of the families of young victims of CSEC is less than Rs 5,000;
- 13.5 per cent of the children covered in the study had become child mothers, over one third of them had had an abortion and 62.5 per cent of the children had a family member or close relation working as a sex worker, in particular, their own mother;
- 96 per cent of young prostitutes engage in sexual relations at a very early age of their life and many of them have had sex for the first time with their boyfriends. More than 57 per cent of the children had their first sexual experience in return for a gift or money;
- CSEC takes place at night clubs, hotels, brothels, apartments/bungalows, residence of pimps or pensions. Taxi drivers and hotel employees are involved in the prostitution network and act as procurers for tourists. Mobile phones are the means of communication for making arrangements from where vulnerable children are spotted and recruited. It also appears that the tentacles of the network extend to schools;
- The money paid to victims varies from Rs 400 per hour or Rs 3,000 per day and Rs 700 to Rs 4,000 per night;
- The majority of clients are local people, although young prostitutes do have foreign tourists as clients (19.8 per cent) and 20.5 per cent of the children work under leaders, 51 per cent of whom are men;
- The majority of children involved in prostitution have been to school, but more than 57 per cent of them dropped out of school at grade 6. This deprived them of opportunities of employment and restricted their options in life;
- There is a correlation between drug abuse and prostitution. Over 25 per cent of the children had taken drugs at some time or other and 12.5 per cent were in the habit of taking drugs;
- Symptoms of reproductive tract infection are quite common among child victims. Certain vital facts about AIDS are unknown to children and a sizeable section of them do not even know that AIDS is incurable.

Implementation of the National Plan of Action

5. The second study, recommends the preparation of a National Plan of Action (NPA) in order to prevent and progressively eliminate CSEC and also to protect CSEC victims and ensure their recovery and integration in society.

6. In the preparation of this NPA, an integrated and holistic approach has been adopted for the implementation of activities on protection of children. It has a broad scope geared towards the overall protection of children from any forms of abuse, including commercial sexual exploitation in line with existing legislation and the provisions of the Convention on the Rights of the Child.

7. The objective of NPA is to ensure the protection of our children from any form of abuse and the creation of a conducive environment within the family and civil society. It also aims at developing strategies and activities to be implemented by all stakeholders, including government institutions, the private sector, NGOs, the community and the family for the best interests of the child.

8. NPA is based on the following four components of the Agenda of Action Against CSEC, adopted at Stockholm:

- Coordination and cooperation;
- Prevention;
- Protection;
- Recovery and reintegration.

9. To ensure the successful implementation of NPA, which covers a two-year period, starting in February 2003, the full support and collaboration of all stakeholders ranging from government organizations, parastatal bodies to NGOs, have been sought and obtained.

Legislation regarding child protection

10. The Government has undertaken the following legislative and other measures:

- A Child Protection Act was enacted in 1994 to ensure protection of children from all forms of abuse and exploitation;
- National laws have been harmonized with the Convention on the Rights of the Child. Thus 25 laws pertaining to children have been amended in the form of the Child Protection (Miscellaneous) Act, the Criminal Code (Amendment Act) and Criminal Code Supplementary (Amendment) Act. The laws provide for severe penalties for all cases of exploitation and abuse, including trafficking and prostitution;
- In September 2000, the Government set up a Task Force to review all laws concerning children as well as their enforcement procedures. The Task Force includes NGOs and other stakeholders. It aims at making laws more effective, including ensuring that procedures are more child-friendly;

- In 1993, the Government also signed the Hague Convention on Civil Aspects of Child Abduction and in 2000 legislation was enacted to designate the Ministry of Women's Rights, Child Development and Family Welfare as the central authority to deal with civil cases of child abduction;
- The issue of missing children is also of concern to the State. As such protection is afforded by Mauritian laws against abducting a minor.

11. The legal provisions set out below are of particular relevance.

Under section 268 of the Penal Code:

- (1) Any person who, by force or fraud, without the consent of the legal custodian:
 - (a) takes away or causes to be taken away a minor, or
 - (b) leads away, decoys, entices or causes to be led away, decoyed or enticed, a minor out of the keeping of such custodian or from any place where the minor has been placed or is with the consent of such custodian:

Shall be guilty of abduction and be liable to penal servitude for a term not exceeding 5 years.

- (2) Any person who unduly fails to represent a minor to the person who has the rights to claim the minor shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding one year and to a fine not exceeding Rs 50,000.

Under Section 269, where the minor is a male under the age of 12 or a female under the age of 14, the offender shall be liable to penal servitude for a term not exceeding 10 years.

Even without fraud or violence, abduction is considered as a penalty and if committed, the offender shall be liable to penal servitude for a term not exceeding 7 years.

Institutional mechanism

12. A Child Development Unit (CDU) has been set up to enforce legislation pertaining to children and to implement policies and programmes relating to development protection and survival of children. The services are decentralized in five regions. A 24-hour service is provided through hotlines and free legal assistance and psychological counselling are offered to children. Moreover, it is compulsory for doctors and teachers to report suspected cases of child abuse. A Child Abuse Unit has also been established by the police department which operates on a 24-hour basis. A Shelter for Women and Children in Distress has been set up to provide temporary accommodation to women and children who are victims of violence and abuse.

13. A Child Watch Network Programme is being implemented with the collaboration of NGOs, social workers and community-based organizations with a view to identifying children at risk of abuse and exploitation and referring them for appropriate action to CDU.

14. A Child Protection Unit based upon inter-agency cooperation has been launched on a pilot basis. The aim of the unit is to provide integrated services in one location so that child victims do not have to undergo repetitive interviews and questions.
15. Based on the belief that a “child grows best in the family”, the Ministry of Women’s Rights, Child Development and Family Welfare initiated the foster care system on a pilot basis where abandoned children or children at risk are placed in their own interest in foster families. The foster care system will operate in accordance with the provisions of the foster care regulation Act to be made under the Child Protection Act.
16. When cases are reported to the Ministry of Women’s Rights, Child Development and Family Welfare, the victims are provided with free legal assistance as well as rehabilitation and protection. Psychological counselling is provided to victims of commercial sexual exploitation. Complete medical assistance is also provided to all victims.
17. A hotline has been set up specifically for cases of sexual commercial exploitation of children. It is serviced by the National Children’s Council.
18. IEC materials have been produced in the form of posters, stickers and pamphlets and have been widely distributed. A sensitization campaign has been conducted for young people to make them aware of the dangers of unsafe sex and of commercial sexual exploitation as well as for parents. Talks have been conducted by the National Children’s Council. Door-to-door counselling was carried out over a period of two months on eight Sundays by the Ministry’s staff and volunteers, to about 1,000 families. A training manual has been developed on the psychosocial rehabilitation of children victims of commercial sexual exploitation with the assistance of ECPAT. A training of trainers has been conducted and officers of both government institutions and NGOs dealing with CSEC will be trained.
19. An education and information campaign on unsafe sex has started since January 1999 and is being carried out by the National Children’s Council in collaboration with the Mauritius Family Planning Association and the Ministry of Education and Scientific Research. Since 2000, the Council organized a child abuse module in collaboration with the Mauritius Institute of Education for the trainee teachers at the MIE Reduit.
20. Painting and drawing competitions,, creative activities and rallies have been organized in areas, which are considered to be vulnerable to commercial sexual exploitation of children. NGOs and community-based associations participated fully in the activities.

National children’s policy

21. The Ministry of Women’s Rights, Child Development and Family Welfare, with the assistance of UNICEF is in the process of preparing a national children’s policy with a view to establishing with all relevant government institutions and NGOs, and coordinating and monitoring children’s policies. It is being supported and facilitated by a team of consultants from the University of Mauritius.

22. The main objectives of the National Children's Policy are:

- (a) To develop an integral policy document for the promotion and welfare of children;
- (b) To ensure an improved and coordinated planning and execution process of children's programmes;
- (c) To design a national framework for children defining roles and responsibilities of government and non-government institutions and the private sector;
- (d) To establish interrelationships and synergy amongst families and communities.

Namibia

[Original: English]
[2 May 2003]

1. In Namibia, prostitution is governed by the Combating of Immoral Practices Act (Act 21 of 1980). The Act prohibits the keeping of brothels, the procurement of prostitutes, the soliciting of prostitutes, living on the earnings of prostitution and the enslavement of women for sexual purposes. The Children Act (Act 33 of 1960) makes it an offence for the parent, guardian or custodian of a child to "cause or conduce", or to allow a child to reside in a brothel. This provision could also be used as a tool to combat the demand for child prostitutes. Likewise, section 2 of the Combating of Rape Act (Act 8 of 2000) makes it an offence for someone to commit a sexual act with a person under the age of 14, if that person is more than three years older, even if the sexual act was consensual.

2. Namibia admits that it is common knowledge that prostitution exists in the country, though there have been no formal studies prior to 1996. The Ministry of Youth and Sports and the Gender Research Training Programme conducted the first studies in 1996-1997. But these studies were small in scale with a sample of only 10 and 15 sex workers in Walvis Bay and Windhoek, respectively. A detailed study regarding adult sex workers was conducted by the Legal Assistance Centre in 2002. The study covered 148 sex workers, of whom 94 per cent were female. The study was conducted in five major towns in Namibia. The main reason given for engaging in prostitution was money, which was to support their children and the other members of the family.

3. There is however no evidence that trafficking of Namibian women for the purpose of prostitution or sexual exploitation is a widespread phenomenon in Namibia. There has been one case involving the transport of two young Namibian girls to South Africa for the purpose of sexual exploitation.

4. Namibia has strong safeguards to prevent the abuse of intercountry adoptions for the purpose of exploitation. All adoptions are approved by the Children's Courts, which are in charge of looking after the child's welfare. These safeguards continue to ensure that intercountry adoptions do not become avenues for trafficking of young girls.

Uganda

[Original: English]

[11 July 2002]

1. Uganda has a population of 23 million. Of these 78 per cent are children and young people, a majority of whom live in rural areas. Over 50 per cent of young people live below the poverty line and therefore are vulnerable to all kinds of abuses. Children are particularly vulnerable to exploitation because of poverty, orphanhood, domestic violence, peer influence, the belief of adults that children are HIV/AIDS free, lack of basic care and guidance by parents and limited education/employment opportunities, to name but a few.

2. In order to prevent and combat the sale of children, child prostitution and child pornography, Uganda has set up a legal framework and adopted various programmes.

International instruments

3. One of the major actions taken by the Government of Uganda has been the ratification of the Optional Protocols on the Convention on the Rights of the Child, on the sale of the child, child prostitution and child pornography and on the involvement of children in armed conflict. The enforcement of these protocols commenced on 18 January 2002.

4. This has been taken because of the increasing scale of local and international sale of children and use of children as sex slaves. The abduction of over 11,000 children by the Lords Resistance Army (LRA) rebels from Uganda to the Sudan is a direct perpetration of this phenomenon and a challenge to the Government.

Policies and legislative developments

5. Chapter 4 of the Constitution of Uganda provides for the protection of children. Section (4) provides protection to children against social or economic exploitation and states that they shall not be employed in or required to perform work that is likely to be hazardous or interfere with their education or be harmful to their health, or physical and mental, spiritual, moral or social development.

6. Section (7) further provides for the special protection of orphans and other vulnerable children from all abuses.

7. The Children Statute (1966) provides various legal provisions to address issues of child abuse.

8. Part II, section 6 (2), provides for the protection of a child from all kinds of discrimination, violence, abuse and neglect. Section 6 (8) outlaws all forms of social or customary practices that are harmful to the child's health. Early marriages, which are common in most traditional settings, are a case in point.

9. The Children Statute also provides safeguards in the fostering and adoption procedures.
10. Section 46 (3) clearly states that an adoption order shall not be made in favour of single male applicants in respect of a female child or vice versa. This is meant to safeguard children against sexual exploitation by their would-be adopters.
11. The Children Statute further gives responsibility to probation and welfare officers who are deployed in all the 56 districts of Uganda to undertake supervision of all children who are placed on foster care to ensure that they are given care and protection during alternative family care placements.
12. Further, Part III, section I, of the Statute provides for the local governments in Uganda to safeguard and promote the welfare of children within their area of jurisdiction. It provides that the local councils shall designate one of its members to be the person responsible for the welfare of children and the person to be referred to as the Secretary for Children Affairs.
13. As a measure to implement the Children Statute and strive for the realization of the rights of children, the Government of Uganda has undertaken training of key stakeholders in the Children Statute and conducted sensitization and awareness-raising campaigns for communities on the issues of commercial sexual abuse and exploitation of children. This has been done through a strong advocacy programme supported by the British Council, Save the Children (Norway) and other NGOs such as Slum Aid (SAP), TAIFA Community Care, Uganda Child Rights NGO Network (UCRNW), FIDA, Hope After Rape (HAR), African Network for the Prevention Against Child Abuse and Neglect (ANPCAN).

Programmes

14. The Psychosocial Support Programme is being implemented by the Government of Uganda supported by UNICEF, Save the Children (Denmark) and a number of non-governmental agencies such as Trans-psychosocial Organization (TPO), Gulu Save the Children Organization (GUSCO), World Vision (WV), to name but a few. This Programme focuses on training and support of communities and caregivers so that they can handle the abused children.
15. In the justice, law and order sector a child and family protection unit has been established in the Uganda Police Force Units to ensure that care and protection measures are taken by the police for victims of all kinds of abuses and to ensure that justice is done within the juvenile justice system
16. Life-skills education programmes have been initiated, by the Government of Uganda with support from donors to ensure prevention by educating young people to be more responsible for their own lives. Training is conducted for children in school and out of school. As a result of this, child rights clubs are operational in Uganda for both in school and out of school children. Among major issues addressed by the clubs is HIV/AIDS and other sexually transmitted diseases.
17. Further, a National Conference on Child Sexual Abuse was held in March 2002 with support from the British Council and Save the Children (Norway). With recommendations from

the conference, which was attended by both child rights advocates and policy-makers, a national Action Plan on Child Sexual Abuse and Exploitation is being developed to guide future actions on this issue. A National Steering Committee has been put in place for this purpose. Despite these initiatives the Government faces the following challenges:

- Inadequate resources for the implementation of the Children Statute remain a big bottleneck;
- The local governments, which are mandated by Local Government Act Schedule II to handle issues of vulnerable children, need to develop capacity-building in a more practical manner;
- Changing cultural traditions in Uganda further worsens the status of the girl child. Girl children have been sold out for dowry in arranged traditional marriages.

United Arab Emirates

[Original: Arabic]

[2 September 2002]

1. Acting on the basis of its religious convictions, its Constitution, its legislation and its regulations and practice relating to the protection of children, the United Arab Emirates gives the closest possible attention to promoting the welfare of children. With this aim in mind, the State has mobilized all the necessary resources to ensure the survival of children and their healthy development.
2. The Constitution of the United Arab Emirates includes a number of provisions safeguarding the protection of children and vulnerable groups and prohibiting the exploitation of people by people, slavery and trafficking in human beings. Accordingly, article 15 of the Constitution stipulates that the family is the cornerstone of society and is sustained by religion, morality and patriotism. The law guarantees the integrity of the family and protects it against corruption. Article 16 determines that society shall be responsible for the well-being of mothers and children and shall protect minors, render them assistance and provide them with the means of improving their situation, for their own good and for that of society.
3. The laws and regulations in force formally prohibit the exploitation of children and any abuse to which they might be subjected. Accordingly, article 350 of the Criminal Code stipulates that anyone who places a child in danger in a public place, either acting directly or through other persons, shall be liable to imprisonment and a fine. With regard to the ban on the trafficking in human beings, article 346 of the Code stipulates that any person who conveys another person into or out of the country with a view to gaining or transferring possession of such person or any person who acquires, buys or offers for sale another person or treats that person as a slave shall be liable to imprisonment. With a view to protecting children and prohibiting child labour, article 20 of the 1980 Labour Act stipulates that it is prohibited to put to work any child, male or female, who has not attained the age of 15. Article 34 of the same Act determines that any person authorizing the employment of minors for purposes other than those permitted under law, when such minors are placed under that person's tutelage or guardianship, shall incur legal penalties.

4. Given the important role played by camel racing in public life in the United Arab Emirates, a national camel-racing federation was established on 25 October 1995, with a view to ensuring that these activities were organized under optimal conditions.

5. In order to protect children, the statutes of the Federation include several rules and regulations designed to prevent their exploitation in camel races. Thus, article 14, which deals with jockeys, stipulates the following:

(a) Children may not be employed as jockeys in camel races;

(c) Only persons who meet internationally established conditions for all jockeys, namely, whose weight does not exceed 45 kilograms, may be employed as jockeys;

(c) Jockeys shall be required to undergo a medical examination, with a view to determining whether they are fit for this type of activity;

(d) Jockeys are required to wear a protective helmet;

(e) Licences may only be issued to jockeys with the authorization of the Camel-Racing Board and a representative of the camel-racing federation and on condition that the person seeking the licence meets the conditions in force in each Emirate or region organizing the camel races;

(f) Any person breaching the rules relating to the employment of jockeys set out above shall be barred from all participation in camel races and subject to a fine of 20,000 dirhams. In the case of a repeat offence, the perpetrator shall be punished by three months' imprisonment and a fine of 20,000 dirhams.

6. Consistent with its commitment to protecting human rights, the State of the United Arab Emirates has, since coming into existence, acceded to a number of international instruments in this area, such as the 1965 International Convention on the Elimination of All Forms of Racial Discrimination and the 1990 Convention on the Rights of the Child, and has supported all international efforts designed to ensure the protection of these rights.

7. Accusations levelled against the United Arab Emirates in this area emanate from persons unfamiliar with the situation in this country and ignorant of the legislative texts and practices governing public life in the Emirates to which we have drawn attention above. We have full confidence in the perspicacity and wisdom of all those responsible for the protection of children's rights, including the international, governmental and non-governmental organizations concerned, and we are convinced that, in the light of the information which we have provided, as well as the well-known initiatives undertaken by the United Arab Emirates and its position with regard to respect for and protection of human rights, these organizations will reject the unfair accusations to which we have referred above. The Government of the United Arab Emirates will remain in contact with the Office of the United Nations High Commissioner for Human Rights and its working group, and is happy to receive representatives of any organization which wishes to verify for themselves the extent to which the United Arab Emirates is complying with its commitments, so that they can see that the violations which have been alleged are non-existent.

II. INFORMATION RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

Tunisian Association for the Rights of the Child

[Original: French]

[30 April 2003]

1. The Tunisian Association for the Rights of the Child notes the steps taken by Tunisia to protect children from danger and to address the sale of children and other activities which violate the rights of women, children and the family. The Association draws attention to the various legislative and institutional measures adopted by Tunisia with a view to setting in place arrangements to protect children in danger and to uphold their rights. The sexual exploitation of children is one of the eight situations of danger listed in the Code for the Protection of Children. Among the measures and arrangements set in place, the child protection officers have a toll-free number which people can use to report cases of child abuse, interference or sexual exploitation. These officers have been furnished with the necessary powers for them to protect children in danger.

2. In the view of the Association, the phenomenon of the sexual abuse and exploitation of children is not sufficiently widespread in Tunisian society to give cause for concern, since the number of cases reported to the child protection officers in 2002 was only 115 out of a total of 3,768 reports. Nevertheless, priority is still given in Tunisia to efforts to raise awareness of the rights of the child and to promote an appropriate public attitude in this area.

International Federation Terre des Hommes

1. The International Federation Terre des Hommes has provided the Secretariat with a report dated January 2003 on the trafficking of Albanian children into Greece. The full text of the report is available for consultation with the Secretariat of the Working Group on Contemporary Forms of Slavery

2. The report states that over the past 10 years, thousands of Albanian children from the age of four upwards have been rented out, sold, bought and transported to Greece, where children have been economically or sexually exploited, under physical and psychological duress, for the profit of a third party, usually an adult. Although the traffic has decreased, there are still hundreds of child victims of trafficking.

3. From October 1999 to January 2000, the International Federation Terre des Hommes and the Albanian Foundation NPF (*Ndhime Per Femijet*) carried out an inquiry into the trafficking of Albanian children into Greece. The initial inquiry was followed by three more intensive inquiries between May and July 2001, between September and November 2001, and finally between February and May 2002.

4. From December 2000 onwards, as a result of the findings of the first investigation, the International Federation Terre des Hommes has developed preventive programmes against trafficking in schools in the cities of Elbasan and Korça. These programmes were subsequently

completed with the repatriation of children from Greece to Albania from September 2001, in collaboration with other organizations. Since April 2002, a street project has been operational in Thessaloniki with the Greek non-governmental organization ARSIS.

5. The programmes aiming at combating trafficking in children are carried out by various Albanian ministries in cooperation with Greek State bodies, as well as by non-governmental organizations operating in both countries.

6. The report provides a list of recommendations directed at both Albania and Greece and stresses the urgency of implementing long-term responses. To the Albanian Government, the report recommends that an independent evaluation of the results of the national plan of action to combat trafficking in children be carried out. The Government is also encouraged to take measures to prevent trafficking in children, such as improved border control for unaccompanied children leaving or returning to the country. The report also calls for improved protection of children and for ensuring the voluntary return of those victims of trafficking and their social reintegration. The report recommends a better coordination of the various actors involved in combating trafficking (government authorities, social workers, non-governmental organizations, etc.) and improved training for them. The report also makes a series of recommendations directed at the Government of Greece, which are similar to the ones directed at the Albanian authorities. The report stresses the need for the enactment of appropriate legislation criminalizing all forms of trafficking not only trafficking for sexual exploitation. Greece is urged to take measures to prevent trafficking through, inter alia, ensuring improved border control of unaccompanied children. It is also urged to consider and treat child victims of trafficking as victims rather than as criminals, and to ensure their voluntary return.
