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COMMISSION ON HUMAN RIGHTS

Forty-second session  
Pre-sessional open-ended Working Group  
on the Question of a Convention on the  
Rights of the Child  
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QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

Statement submitted by the INTERNATIONAL ABOLITIONIST FEDERATION, a  
non-governmental organization in consultative status (category II)

Article 8 ter

As a representative of the International Abolitionist Federation, an organization which has fought for more than a century against the exploitation of prostitution, the traffic in persons and their dire consequences for all human beings including children, I share the views expressed by other non-governmental organizations that it is important to maintain all the elements included in the proposal made by the non-governmental organizations in the draft article presented to the Working Group on the Drafting of the Convention on the Rights of the Child in 1985, referring to the exploitation of children outside the family, specifically, sexual exploitation, prostitution and pornography. The actions taken by the United Nations organs as well as the adoption of International Instruments condemning these practices and assimilating them to Slavery are sufficient proofs that a separate article on this matter has to find its proper place in the Convention.

INTERNATIONAL INSTRUMENTS

I shall then refer myself to

A. The Slavery Convention signed at Geneva on 25 September 1926 which gives the definition of Slavery in its article 1:

"Slavery is the status or condition of a person over whom any or all the powers attaching to the rights of ownership are exercised.

2. The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery: all acts involved in the acquisition of a slave with a view to selling or exchanging him: all acts or disposal by sale or exchange of a slave acquired with a view to being sold or exchanged in general every act of trade or transport in slaves".

B. The Supplementary Convention on the Abolition of Slavery the Slave Trade and Institutions and practices similar to Slavery adopted in April 1956.

Pointing out in its Preamble that the slave trade and institutions and practices similar to slavery are not yet eliminated in all parts of the world, decides to intensify the efforts towards the abolition of such practices, and the Convention gives a more precise definition of practices similar to slavery such as:

Debt bondage

Serfdom

Forced marriage

Any institution or practice whereby a child or young person under the age of 18 years is delivered by either his guardian or by both of his natural parents to another person whether for reward or not, with the view to the exploitation of the child or young person or his labour.

C. The Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others

Approved 2 December 1949 whose Preamble gives a perfect outlook as to what Traffic in Persons meant to the international community and in which action had to be taken;

"Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community ...

"Whereas with respect to the suppression of the traffic in women and children the following international instruments are in force:

The International Agreement of May 1904 as amended by the Protocol approved by the General Assembly 1948;

The International Convention of 4 May 1910 for the same purposes;

The International Convention of September 1921 for the Suppression of the Traffic in Women and Children as amended by the Protocol of 1947;

The International Convention of 11 October 1933 for the suppression of the Traffic in Women of full age as amended by the aforesaid Protocol."

The 1949 Convention consolidates the previous conventions. It is worthwhile, however, to mention that the Convention refers to the plight of the child only in a general context and is not considering him or her as a separate entity.

UNITED NATIONS ORGANS

Article 21 of the 1949 Convention is stating that State Parties undertake to communicate to the Secretary-General annually such laws and regulations promulgated as well as all measures taken by them in application of the Convention. The information received shall be published periodically by the Secretary-General and sent to all Member States. In March 1967, the Commission on

Human Rights requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake regular consideration of the question of Slavery in all its forms (including the exploitation of prostitution and traffic in persons and to report to the Commission its recommendations and measures designed to help the United Nations and Member States in their task. Since 1970 Member States sent their reports to the Secretary-General every two years and the Secretary-General addresses periodic reports to the Sub-Commission on the application of the Convention. In 1974, the Economic and Social Council authorized the Sub-Commission to appoint a group of five of its members (independent experts) to meet for not more than three working days prior to each session of the Sub-Commission, to review developments in the field of slavery and the slave trade in all their practices and manifestations including the exploitation of prostitution and the traffic in persons. The Working Group on Slavery and slavery like practices was thus created and held its first session in August 1975.

Among the many activities and achievements of the Working Group it is interesting to mention three major reports in which the question of the traffic of children is stigmatized.

1. Mr. Benjamin Whitaker, expert of the Sub-Commission presented in 1982 a final report (document E.CN.4/Sub.2/1982/20 and Add.1) updating and extending an earlier report submitted by Mr. Awad in 1966.

2. Mr. A. Boudhiba, expert of the Sub-Commission was entrusted, as Special Rapporteur to prepare a study on the exploitation of child labour. His final report was published in 1982 (E/CN.4/Sub.2/479/Rev.1).

3. Mr. Jean Fernand Laurent, Ambassador at large and Consultant to the Centre of Human Rights in Geneva was appointed as Special Rapporteur to the Economic and Social Council and entrusted to make the synthesis of all inquiries and studies made on the traffic in persons and the exploitation of the prostitution of others and to present to the ECOSOC all measures able to prevent and repress all these practices detrimental to the fundamental rights of the human person. (E/1983/7)

In his report, Mr. Whitaker speaking of the exploitation of prostitution writes: "Although attitudes towards prostitution involves hypocrisy ... its exploitation (involving coercion of children) falls fully within the terms of a report on Slavery ..." and he notes that "The Observer for the Commission on the Status of Women (1977) expressed grave concern concerning the enticement and abduction of young girls for such purposes and reported that there was evidence of a continuous and possibly increasing traffic in young females in and between several countries in the world." Speaking of the traffic in children, Mr. Whitaker reports:

"A social worker in Bangkok, speaking on behalf of a non-governmental organization, The Minority Rights Group, that considerable numbers of young Thai children are sold each year for a price of 150 to 1,000 baht (\$7.50 to \$50) in a professionally organized market that supplies factories, brothels and massage parlours. The witness testified that more than 500 children each week were changing hands for money at Bangkok railway station alone from professional 'child catchers' who exploit poverty in the rural areas. The Thai Government subsequently in December 1980 expressed its concern and promised to put a stop to this."

Mr. Boudhiba in his reports, although indicating that he did not have at his disposal enough information on prostitution and child pornography, refers to what he calls one of the most cruel and degrading forms of child exploitation. And he adds:

"SOS children estimates at 5,000 the number of boys and at 3,000 the number of girls of less than 18 years old who are the victims of prostitution in Paris ...

"In Macao, one can buy very young girls for 100 to 200 dollars. If these girls reach the American shore, they are worth 40 times more ...

"In New York, in 1977 in Brooklyn, a very young girl was brought to court 11 times for prostitution before the age of 12 ...

"The commerce of child pornography in the United States brings more than 500 millions of dollars a year (1977) ..."

Mr. Jean-Fernand Laurent, in his report to the Economic and Social Council denounces the use and abuse of children in pornography, prostitution and sex tourism. Observing that these scourges are the plight of the most vulnerable groups of our society, he is of the opinion that it is as important to combat these practices as it is to fight against the abuse of drugs or to eliminate racism.

At the tenth session of the Working Group on Slavery, representatives of several non-governmental organizations, among them, the Anti-Slavery Society representing Radda Barnen International and Defence for Children International Movement, the International Abolitionist Federation and the International Association of Democratic Lawyers have stigmatized the traffic in children for sexual purposes. The representative of the International Association of Democratic Lawyers indicates, for instance:

"... These children might end up being murdered or committing suicide when they could no longer stand the brutality of the treatment inflicted upon them. The first step taken by traffickers was to destroy the identity of the child: as soon as he or she was bought or kidnapped, he or she was taken out of his or her native country and deprived of nationality, of any family connections, of name or origin, of any ties with a country. Documents or identity papers disappeared. If something happened to the child, therefore, nobody would be in a position to defend him or her in an effective manner."

The International Abolitionist Federation has held its twenty-eighth International Congress, in September 1984, in Vienna, in the International Centre of the United Nations with the collaboration of the Centre for Social Development and Humanitarian Affairs and the support of the Austrian Government. This Congress was attended by more than 150 persons representing 24 countries, government officials, representatives of United Nations Agencies and non-governmental organizations. Experts from different parts of the world reported at length on the subject, the theme of the Congress being: "Prostitution - Survivance of Slavery".

I could of course quote from numerous newspaper articles in all countries relating the horrors of child exploitation. I want only to express my conviction that it is crucial and most important for the international community to take a positive stand on the matter and to condemn without any doubt such practices.

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