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КОМИССИЯ ПО ПРАВАМ ЧЕЛОВЕКА

Пятьдесят шестая сессия

Пункт 13 повестки дня

ПРАВА РЕБЕНКА

Проект резолюции, представленный Председателем

2000/... Вопрос о проектах факультативных протоколов к Конвенции о правах ребенка, касающихся участия детей в вооруженных конфликтах и торговли детьми, детской проституции и детской порнографии

Комиссия по правам человека,

ссылаясь на свои резолюции 1994/91 и 1994/90 от 9 марта 1994 года, в которых она учредила а) межсессионную рабочую группу открытого состава по проекту факультативного протокола к Конвенции о правах ребенка, касающегося участия детей в вооруженных конфликтах и б) межсессионную рабочую группу открытого состава по разработке проекта факультативного протокола к Конвенции о правах ребенка, касающегося торговли детьми, детской проституции и детской порнографии,

ссылаясь также на свои последующие резолюции, в частности на свою резолюцию 1999/80 от 28 апреля 1999 года, в которой она просила рабочие группы открытого состава провести совещания в начале 2000 года, с тем чтобы добиться дальнейшего прогресса в целях завершения своей работы до десятой годовщины вступления в силу Конвенции о правах ребенка, и представить Комиссии на ее пятьдесят шестой сессии доклад по этому вопросу,

отмечая далее, что Генеральная Ассамблея в своей резолюции 54/149 от 17 декабря 1999 года решительно поддержала работу межсессионных рабочих групп открытого состава и настоятельно призвала их завершить свою работу до десятой годовщины вступления в силу Конвенции о правах ребенка,

следуя тому принципу, что наилучшие интересы ребенка должны являться главным соображением в любой деятельности, касающейся детей,

вновь подтверждая свое обязательство предпринимать усилия в целях поощрения и защиты прав ребенка во всех сферах жизни,

памятуя о десятой годовщине в 2000 году Всемирной встречи на высшем уровне в интересах детей и вступления в силу Конвенции о правах ребенка и о символическом и практическом значении принятия двух проектов факультативных протоколов к Конвенции о правах ребенка, касающихся участия детей в вооруженных конфликтах и торговли детьми, детской проституции и детской порнографии, до проведения специальной сессии Генеральной Ассамблеи в 2001 году, посвященной последующим мерам в связи со Всемирной встречей на высшем уровне в интересах детей,

признавая, что принятие и осуществление этих двух факультативных протоколов к Конвенции о правах ребенка внесет существенный вклад в дело поощрения и защиты прав ребенка,

1. с удовлетворением приветствует доклады рабочих групп открытого состава, учрежденных Комиссией по правам ребенка, для разработки двух факультативных протоколов к Конвенции о правах ребенка, касающихся участия детей в вооруженных конфликтах и торговли детьми, детской проституции и детской порнографии (E/CN.4/2000/74; E/CN.4/2000/75), и в особенности тот факт, что этим рабочим группам удалось завершить свою работу и представить тексты двух вышеупомянутых проектов факультативных протоколов Комиссии по правам человека на ее пятьдесят шестой сессии;

2. утверждает тексты двух проектов факультативных протоколов к Конвенции о правах ребенка, касающихся участия детей в вооруженных конфликтах и торговли детьми, детской проституции и детской порнографии, которые содержатся в приложениях к настоящей резолюции;

3. призывает все государства, которые подписали или ратифицировали Конвенцию о правах ребенка или присоединились к ней, подписать и ратифицировать эти два факультативных протокола или присоединиться к ним в ближайшее время после их утверждения Генеральной Ассамблеей;

4. рекомендует, чтобы эти два факультативных протокола после их утверждения Генеральной Ассамблеей были открыты для скорейшего подписания и ратификации или присоединения:

на специальной сессии Генеральной Ассамблеи под названием "Женщины в 2000 году: равенство между мужчинами и женщинами, развитие и мир в XXI веке", которая состоится 5-9 июня 2000 года в Нью-Йорке; и впоследствии

в Центральных учреждениях Организации Объединенных Наций, в том числе

на специальной сессии Генеральной Ассамблеи под названием "Всемирная встреча на высшем уровне в интересах социального развития и достижения других целей: обеспечение социального развития для всех в условиях глобализации во всем мире", которая состоится 26-30 июня 2000 года в Женеве; и

на Саммите тысячелетия Организации Объединенных Наций, который состоится 5-8 сентября 2000 года в Нью-Йорке;

5. рекомендует Экономическому и Социальному Совету принять следующий проект резолюции:

"Экономический и Социальный Совет,

принимая к сведению резолюцию 2000/... Комиссии по правам человека, включая приложения к ней от ... апреля 2000 года, в которой Комиссия одобрила тексты двух проектов факультативных протоколов к Конвенции о правах ребенка, касающихся участия детей в вооруженных конфликтах и торговли детьми, детской проституции и детской порнографии;

1. выражает свою признательность Комиссии по правам человека за завершение работы над этими двумя проектами факультативных протоколов;

2. одобряет оба проекта факультативных протоколов к Конвенции о правах ребенка, касающихся участия детей в вооруженных конфликтах и торговли детьми, детской проституции и детской порнографии, которые содержатся в приложениях к настоящей резолюции;

3. рекомендует, чтобы оба эти факультативных протокола после их утверждения Генеральной Ассамблеей были открыты для скорейшего подписания и ратификации или присоединения:

на специальной сессии Генеральной Ассамблеи под названием "Женщины в 2000 году: равенство между мужчинами и женщинами, развитие и мир в XXI веке", которая состоится 5-9 июня 2000 года в Нью-Йорке; и впоследствии

в Центральных учреждениях Организации Объединенных Наций, в том числе

на специальной сессии Генеральной Ассамблеи под названием "Всемирная встреча на высшем уровне в интересах социального развития и достижения других целей: обеспечение социального развития для всех в условиях глобализации во всем мире", которая состоится 26-30 июня 2000 года в Женеве; и

на Саммите тысячелетия Организации Объединенных Наций, который состоится 5-8 сентября 2000 года в Нью-Йорке;

4. рекомендует Генеральной Ассамблее принять следующий проект резолюции:

Генеральная Ассамблея,

ссылаясь на все свои предыдущие резолюции по данному вопросу, и в частности на свою резолюцию 54/149, в которой она решительно поддержала деятельность межсессионных рабочих групп открытого состава и настоятельно призвала их завершить свою работу до десятой годовщины вступления в силу Конвенции о правах ребенка,

выражая свою признательность Комиссии по правам человека за завершение работы над текстами двух проектов факультативных протоколов к Конвенции о правах ребенка касающихся участия детей в вооруженных конфликтах и торговли детьми, детской проституции и детской порнографии,

памятуя о десятой годовщине в 2000 году Всемирной встречи на высшем уровне в интересах детей и вступления в силу Конвенции о правах ребенка и о символическом и практическом значении принятия двух проектов факультативных протоколов к Конвенции о правах ребенка до проведения специальной сессии Генеральной Ассамблеи в 2001 году, посвященной последующим мерам в связи со Всемирной встречей на высшем уровне в интересах детей,

следуя тому принципу, что наилучшие интересы ребенка должны являться главным соображением в любой деятельности, касающейся детей,

вновь подтверждая свое обязательство предпринимать усилия в целях поощрения и защиты прав ребенка во всех сферах жизни,

признавая, что принятие и осуществление двух проектов факультативных протоколов к Конвенции о правах ребенка, касающихся участия детей в вооруженных конфликтах и торговли детьми, детской проституции и детской порнографии внесет существенный вклад в дело поощрения и защиты прав ребенка,

1. утверждает и открывает для подписания и ратификации или присоединения два факультативных протокола к Конвенции о правах ребенка,

касающихся участия детей в вооруженных конфликтах и торговли детьми, детской проституции и детской порнографии, тексты которых содержатся в приложениях к настоящей резолюции;

2. предлагает всем государствам, которые подписали или ратифицировали Конвенцию о правах ребенка или присоединились к ней, как можно скорее подписать и ратифицировать содержащиеся в приложениях факультативные протоколы или присоединиться к ним, с тем чтобы содействовать их скорейшему вступлению в силу;

3. постановляет, что оба факультативных протокола к Конвенции о правах ребенка будут открыты для подписания:

на специальной сессии Генеральной Ассамблеи под названием "Женщины в 2000 году: равенство между мужчинами и женщинами, развитие и мир в XXI веке", которая состоится 5-9 июня 2000 года в Нью-Йорке; и впоследствии

в Центральных учреждениях Организации Объединенных Наций, в том числе

на специальной сессии Генеральной Ассамблеи под названием "Всемирная встреча на высшем уровне в интересах социального развития и достижения других целей: обеспечение социального развития для всех в условиях глобализации во всем мире", которая состоится 26-30 июня 2000 года в Женеве; и

на Саммите тысячелетия Организации Объединенных Наций, который состоится 5-8 сентября 2000 года в Нью-Йорке;

4. просит Генерального секретаря включить информацию о состоянии двух вышеуказанных факультативных протоколов в свой очередной доклад Генеральной Ассамблее по вопросу о состоянии Конвенции о правах ребенка".

Annex

A.

**DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

The States Parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places generally having a significant presence of children, such as schools and hospitals,

Noting the adoption of the Statute of the International Criminal Court and, in particular, the inclusion in the Statute of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities as a war crime in both international and non-international armed conflicts,

Considering therefore that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child, there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention, raising the age of possible recruitment of persons into armed forces and their participation in hostilities, will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth international Conference of the Red Cross and Red Crescent in December 1995 recommended, inter alia, that parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

Welcoming also the unanimous adoption, in June 1999, of ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, inter alia, forced or compulsory recruitment of children for use in armed conflict,

Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,

Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,

Stressing that this Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,

Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to this Protocol owing to their economic or social status or gender,

Mindful also of the necessity to take into consideration the economic, social and political root causes of the involvement of children in armed conflicts,

Convinced of the need to strengthen international cooperation in implementation of this protocol, as well as physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,

Encouraging the participation of the community and, in particular, children and child victims in the dissemination of information and education programmes concerning the implementation of the Protocol,



Have agreed as follows:

Article 1

State Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

Article 2

State Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

Article 3

1. States Parties shall raise the minimum age in years for the voluntary recruitment of persons into their national armed forces from that set out in article 38.3 of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under 18 are entitled to special protection.
2. Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol which sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.
3. States Parties which permit voluntary recruitment into their national armed forces under the age of 18 shall maintain safeguards to ensure, as a minimum, that:
  - Such recruitment is genuinely voluntary;
  - Such recruitment is done with the informed consent of the person's parents or legal guardians;
  - Such persons are fully informed of the duties involved in such military service; and
  - Such persons provide reliable proof of age prior to acceptance into national military service.
4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.
5. The requirement to raise the age in paragraph 1 does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

#### Article 4

1. Armed groups, distinct from the armed forces of a State, should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
3. The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict.

#### Article 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law which are more conducive to the realization of the rights of the child.

#### Article 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of this Protocol within its jurisdiction.
2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.
3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery, and their social reintegration.

#### Article 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation among concerned States parties and relevant international organizations.

2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes, or, inter alia, through a voluntary fund established in accordance with the General Assembly rules.

#### Article 8

1. Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child in accordance with article 44 of the Convention any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of this Protocol.

#### Article 9

1. The present Protocol is open for signature by any State which is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification or open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. The Secretary-General of the United Nations, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States which have signed the Convention of each instrument of declaration pursuant to article 3, ratification or accession to the Protocol.

#### Article 10

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

#### Article 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States which have signed the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General of the United Nations. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act which occurs prior to the date at which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

#### Article 12

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments which they have accepted.

Article 13

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States which have signed the Convention.

B.

**DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

The States Parties to the present Protocol,

Considering that in order further to achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,

Considering also that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

Gravely concerned at the significant and increasing international traffic of children for the purpose of the sale of children, child prostitution and child pornography,

Deeply concerned at the widespread and continuing practice of sex tourism to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography,

Recognizing that a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation, and that girl children are disproportionately represented among the sexually exploited,

Concerned about the growing availability of child pornography on the Internet and other evolving technologies and recalling the International Conference on Combating Child Pornography on the Internet (Vienna, 1999) and, in particular, its conclusion calling for the

worldwide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography, and stressing the importance of closer cooperation and partnership between Governments and the Internet industry,

Believing that the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structure, dysfunctional families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking of children,

Believing that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography, and in the importance of strengthening global partnership among all actors, and of improving law enforcement at the national level,

Noting the provisions of international legal instruments relevant to the protection of children, including the Hague Convention on the Protection of Children and Co-operation with Respect to Intercountry Adoption, the Hague Convention on the Civil Aspects of Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children and ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists for the promotion and protection of the rights of the child,

Recognizing the importance of the implementation of the provisions of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and the Declaration and Agenda for Action of the 1996 Stockholm Congress against the Commercial Sexual Exploitation of Children and the other relevant decisions and recommendations of pertinent international bodies,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Have agreed as follows:

### Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by this Protocol.

### Article 2

For the purpose of the present Protocol:

#### **SALE OF CHILDREN**

(a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;

#### **CHILD PROSTITUTION**

(b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;

#### **CHILD PORNOGRAPHY**

(c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child, the dominant characteristic of which is depiction for a sexual purpose.

### Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether these offences are committed domestically or transnationally or on an individual or organized basis:

(a) In the context of sale of children as defined in article 2 (a):

(i) The offering, delivering, or accepting by whatever means a child for the purpose of:

Sexual exploitation of the child;

Transfer of organs of the child for profit;

Engagement of the child in forced labour;

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2 (b); and

(c) Producing, distributing, disseminating, importing, exporting, offering, selling, or possessing for the above purposes, child pornography as defined in article 2 (c).

2. Subject to the provisions of a State Party's national law, the same shall apply to an attempt to commit any of these acts and to complicity or participation in any of these acts.
3. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.
4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of this article. Subject to the legal principles of the State Party, this liability of legal persons may be criminal, civil, or administrative.
5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

#### Article 4

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3.1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.
2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3.1 in the following cases:
  - (a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;
  - (b) When the victim is a national of that State.
3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the above-mentioned offences when the alleged offender is present in its territory and it does not extradite him to another State Party on the ground that the offence has been committed by one of its nationals.
4. This Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

#### Article 5

1. The offences referred to in article 3.1 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties, and shall be included as extraditable offences in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in these treaties.



2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Protocol as a legal basis for extradition in respect of such offences. Extradition shall be subject to the conditions provided by the law of the requested State.
3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.
4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4.
5. If an extradition request is made with respect to an offence described in article 3.1 and if the requested State Party does not or will not extradite, on the basis of the nationality of the offender, that State shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

#### Article 6

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3.1, including assistance in obtaining evidence at their disposal necessary for the proceedings.
2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

#### Article 7

States Parties shall, subject to the provisions of their national law:

- (a) Take measures to provide for the seizure and confiscation, as appropriate, of:
  - (i) Goods such as materials, assets and other instrumentalities used to commit or facilitate offences under the present protocol;  
Proceeds derived from such offences;
- (b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (i);

(c) Take measures aimed at closing on a temporary or definitive basis premises used to commit such offences.

#### Article 8

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

(a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;

(b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;

(c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;

(d) Providing appropriate support services to child victims throughout the legal process;

(e) Protecting as appropriate the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;

(f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.

3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.

4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological, for the persons who work with child victims of the offences prohibited under the present Protocol.

States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of child victims of such offences.

5. Nothing in this article shall be construed as prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

#### Article 9

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes, to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to these practices.

2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.

3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration, and their full physical and psychological recovery.

4. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

5. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

#### Article 10

1. States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.

States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations.

2. States Parties shall promote international cooperation to assist child victims for their physical and psychological recovery, social reintegration and repatriation.
3. States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the practices of sale, prostitution, pornography and child sex tourism.
4. States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

#### Article 11

Nothing in the present Protocol shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State Party; or
- (b) International law in force for that State.

#### Article 12

1. Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol.
2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child in accordance with article 44 of the Convention any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.
3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of this Protocol.

#### Article 13

1. The present Protocol is open for signature by any State which is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification or open to accession by any State which is a party to the Convention or has signed it. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

Article 14

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 15

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States which have signed the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General of the United Nations.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Protocol in regard to any offence which occurs prior to the date at which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

Article 16

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments which they have accepted.

Article 17

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Protocol to all States Parties to the Convention and all States which have signed the Convention.

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