

TRAFFICKING IN PERSONS AND SEXUAL EXPLOITATION - SEXUAL EXPLOITATION

III. CONCLUDING OBSERVATIONS

CERD

- Cambodia, CERD, A/53/18 (1998) 55 at para. 291.

The situation of the ethnic Vietnamese is a matter of concern, in particular with regard to equality of rights. Alarm is expressed over reports that the exploitation through prostitution of females of Vietnamese origin, in particular children, is growing.

ICCPR

- Sri Lanka, ICCPR, A/50/40 vol. I (1995) 75 at paras. 459 and 474.

Paragraph 459

The situation of the economic and sexual exploitation of children, both with respect to the use of children in domestic service and the prostitution of boys, is of concern.

Paragraph 474

A comprehensive programme should be developed to deal with the issues of child labour, particularly of children in domestic service, and the sexual exploitation of children of both sexes.

- Brazil, ICCPR, A/51/40 vol. I (1996) 44 at paras. 319 and 336.

Paragraph 319

The grave problems of child labour and child prostitution remain matters of deep concern.

Paragraph 336

The State party is urged enforce laws prohibiting forced labour, child labour and child prostitution and is exhorted to establish more programmes to prevent and combat such human rights abuses. In addition, more effective supervisory mechanisms should be established to ensure compliance with the provisions of national legislation and relevant international standards. It is imperative that persons who are responsible for, or who directly profit from, forced labour, child labour and child prostitution be severely punished under law.

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- Portugal (Macau), ICCPR, A/52/40 vol. I (1997) 50 at paras. 321 and 327.

Paragraph 321

The Committee is particularly concerned at reports on the extent of trafficking in women in Macau and on the large numbers of women from different countries who are being brought into Macau for the purpose of prostitution. The inaction by the authorities in preventing and penalizing exploitation of these women and, in particular, that immigration and police officials are not taking effective measures to protect these women and to impose sanctions on those who are exploiting women through prostitution in violation of article 8 of the Covenant, is of concern.

Paragraph 327

The Government should initiate or strengthen programmes aimed at providing assistance to women in difficult circumstances, particularly those coming from other countries who are brought into Macau for the purpose of prostitution. Strong measures should be taken to prevent this form of trafficking and to impose sanctions on those who exploit women in this way. Protection should be extended to women who are the victims of this kind of trafficking so that they may have a place of refuge and an opportunity to stay in order to give evidence against the person responsible in criminal or civil proceedings.

- India, ICCPR, A/52/40 vol. I (1997) 67 at paras. 446 and 447.

Paragraph 446

The high incidence of child prostitution and trafficking of women and girls into forced prostitution is deplored. The lack of effective measures to prevent such practices and to protect and rehabilitate the victims is regretted. It is also regretted that women who have been forced into prostitution are criminalized by the Immoral Trafficking Prevention Act and, further, that article 20 of the Act puts the burden of proof on a woman to prove that she is not a prostitute, which is incompatible with the presumption of innocence. The application of this law to women in the situation described should be repealed and measures should be taken to protect and rehabilitate women and children whose rights have been violated in this way.

Paragraph 447

The lack of national legislation to outlaw the practice of *Devadasi*, the regulation of which is left to the states, is regretted. It appears that the practice continues and that not all states have effective legislation against it. It is emphasized that this practice is incompatible with the Covenant. All necessary measures should be taken urgently to eradicate the practice of *Devadasi*.

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- Israel, ICCPR, A/53/40 vol. I (1998) 45 at para. 312.

Women brought to Israel for purposes of prostitution, many under false pretences or through coercion, are not protected as victims of trafficking but are likely to be penalized for their illegal presence in Israel by deportation. Such an approach to this problem effectively prevents these women from pursuing a remedy for the violation of their rights under article 8 of the Covenant. Serious efforts should be made to seek out and punish the traffickers, to institute rehabilitation programmes for the victims and to ensure that they are able to pursue legal remedies against the perpetrators.

- Italy, ICCPR, A/53/40 vol. I (1998) 50 at para. 333.

The treatment by the judiciary of offences concerning trafficking of women and others for the purpose of prostitution as acts which can be assimilated to slavery and contrary to international and national law is appreciated.

- Belgium, ICCPR, A/54/40 vol. I (1999) 26 at paras. 77 and 93.

Paragraph 77

The establishment of an inter-ministerial committee with competence over trafficking in persons, prostitution and pornography, as well as the adoption of other legislative measures with extraterritorial application, is welcomed. Also welcomed is the enactment of new laws aimed at combatting more effectively the traffic in minors.

Paragraph 93

The State party is urged to take effective measures to curtail the possession and distribution of paedo-pornography.

- Japan, ICCPR, A/54/40 vol. I (1999) 36 at para. 171.

Traffic in women and insufficient protection for women subject to trafficking and slavery-like practices remain serious concerns under article 8 of the Covenant. Planned new legislation against child prostitution and child pornography may not protect children under the age of 18 when the age limit for sexual consent is as low as 13. The absence of specific legal provisions prohibiting the bringing of foreign children to Japan for the purpose of prostitution is of concern, despite the fact that abduction and sexual exploitation of children are subject to penal sanctions. The situation should be brought into compliance with the State party's obligations under articles 9, 17 and 24 of the Covenant.

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- Mexico, ICCPR, A/54/40 vol. I (1999) 61 at para. 327.

Street children are at greatest risk of sexual violence and are exposed to the practices of sexual trafficking. Effective measures for the protection and rehabilitation of street children should be taken, including measures to end prostitution, child pornography and the sale of children.

See also:

- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at para. 77(24)

- Portugal (Macau), ICCPR, A/55/40 vol. I (2000) 33 at para. 172.

Preventive action should be taken to stamp out trafficking in women and rehabilitation programmes for the victims should be provided. The victims should be protected and supported by laws and policies of the State party.

- Mongolia, ICCPR, A/55/40 vol. I May 29, 2001 (2000) 49 at para. 323.

The failure to prosecute persons engaged in organizing prostitution or to adopt effective measures to combat trafficking in women are matters of concern.

- Ireland, ICCPR, A/55/40 vol. I (2000) 61 at para. 429.

The Child Trafficking and Pornography Act 1998 and the Sexual Offenders (Jurisdiction) Act 1996, which allow prosecution in respect of offences committed outside Ireland, are welcomed.

- Croatia, ICCPR, A/56/40 vol. I (2001) 65 at para. 80(12).

The delegation's statement that the State party has a variety of measures at its disposal in its criminal law to combat the practice of trafficking of women into and through its territory, particularly for purposes of sexual exploitation is noted. The State party should take appropriate steps to combat this practice, which constitutes a violation of several Covenant rights, including the right under article 8 to be free from slavery and servitude.

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- The Netherlands, ICCPR, A/56/40 vol. I (2001) 76 at para. 82(10).

The recent appointment of an independent National Rapporteur on Trafficking in Persons endowed with appropriate investigative and research powers is welcomed, but concern remains at on-going reports of sexual exploitation of significant numbers of foreign women in the State party (articles 3, 8 and 26 of the Covenant). The National Rapporteur should be equipped with all means necessary to achieve real and concrete improvement in this area.

- Guatemala, ICCPR, A/56/40 vol. I (2001) 93 at para. 85(26).

The situation of street children, which appears to be getting worse, is deplored. These children run the greatest risk of sexual violence and are vulnerable to sexual trafficking. The State party should take effective measures both to protect and rehabilitate street children, pursuant to article 24 of the Covenant, including measures to put an end to sexual exploitation and child pornography, and to punish those found guilty of any kind of violence against minors.

ICESCR

- Kenya, ICESCR, E/1994/23 (1993) 24 at para. 81.

Profound concern is expressed over the fate of the great number of street (parking) children. The public funds earmarked for destitute children appear to the Committee to be pitifully inadequate. The apparent fact that child prostitution is common in many parts of Kenya and that the Government has thus not ensured children the special protection to which the Covenant entitles them is distressing.

- Mexico, ICESCR, E/1994/23 (1993) 47 at para. 231.

Of concern is the situation of many children, namely, abandoned children, street children or children in extremely difficult circumstances, who are unable to enjoy the economic, social and cultural rights set out in the Covenant and who are particularly vulnerable to criminality, drug addiction and sexual exploitation. A very large percentage of children (34 per cent), concentrated in particular in areas with a large Indian population, appear to have left school without even having been able to complete their primary education and are therefore in a situation that is extremely conducive to various forms of exploitation.

- Philippines, ICESCR, E/1996/22 (1995) 30 at para. 112.

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The lack of resources devoted by the Government to preventing and combatting the economic and sexual exploitation of children is of concern.

- Sweden, ICESCR, E/1996/22 (1995) 35 at para. 146.

The Government is urged to intensify its efforts to combat child pornography and domestic violence against women, as well as its measures for monitoring and registering all such cases. Attention is drawn to the need to ensure the imposition of appropriate penalties for such offences.

- Dominican Republic, ICESCR, E/1997/22 (1996) 44 at para. 232.

The persistent rise of "sex tourism" in resort areas and the spread of the HIV/AIDS virus, which is one of the country's greatest health problems, are noted with concern.

- Dominican Republic, ICESCR, E/1998/22 (1997) 43 at paras. 221 and 226.

Paragraph 221

With respect to article 10 of the Covenant, concern is expressed about the situation of children in the State party and, in particular, about reports received on the occurrence of child labour and child exploitation, including sexual exploitation, about the increasing number of street children, the low rate of school enrolment, the high rate of infant mortality and the high number of pregnancies among school-age females. Furthermore, concern is expressed about violence against women and children within the family.

Paragraph 226

Prevention campaigns carried out in the State party are insufficient in addressing the appropriate ways and means available to combat the transmission of the HIV virus. The persistence of sex tourism in resort areas, sometimes involving minors, which is one of the causes of the spread of AIDS, is noted.

- Azerbaijan, ICESCR, E/1998/22 (1997) 61 at paras. 339 and 353.

Paragraph 339

The need for effective control over inter-state adoption of children is stressed. In the absence of such controls, foreign adoption may subject children to various types of exploitation, including sexual exploitation.

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Paragraph 353

Effective controls should be placed on the inter-state adoption of children, with a view to preventing sexual and other forms of exploitation.

- Luxembourg, ICESCR, E/1998/22 (1997) 69 at para. 404.

The State party should adopt effective legislation to prevent and protect children and adolescents from all forms of sexual exploitation and abuse.

- Sri Lanka, ICESCR, E/1999/22 (1998) 22 at paras. 76 and 90.

Paragraph 76

The Government's inability to implement its child labour laws effectively is deplored. Thousands of children are known to be fully employed, while thousands more are working as domestic servants in urban areas where many are mistreated, sexually abused and driven to prostitution. In addition, the sexual exploitation of Sri Lankan children by foreign tourists is of deep concern. It is noted with particular regret that more than 50 per cent of prostitutes are children.

Paragraph 90

In relation to the exploitation of children, authorities should renew their efforts to seek out those who are responsible for the sexual exploitation of children and prosecute them to the full extent of the law. The Government should seek the cooperation of other Governments in bringing to justice all those who engage in the sexual exploitation of children, and international assistance should be sought to establish rehabilitation programmes to facilitate the reintegration into society of children who have been victimized.

- Nigeria, ICESCR, E/1999/22 (1998) 27 at para. 117.

The rising number of homeless women and young girls, who are forced to sleep in the streets where they are vulnerable to rape and other forms of violence, is of deep concern.

- Poland, ICESCR, E/1999/22 (1998) 32 at para. 159.

Sexual harassment against women should be prohibited by law.

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- The Netherlands, ICESCR, E/1999/22 (1998) 37 at para. 183.

The lack of information on child prostitution, which has prevented both the State party and the Committee from appreciating the extent of this problem, is regretted.

- Cyprus, ICESCR, E/1999/22 (1998) 50 at paras. 285 and 293.

Paragraph 285

The State party appears not to provide adequate protection against repressive and exploitative measures directed at prostitutes. Such persons are particularly vulnerable because of their fear of retribution from their employers.

Paragraph 293

The phenomenon of forced prostitution in Cyprus should be closely monitored with a view to rescuing victims who are trapped or forced into it and to protecting their rights under the Covenant.

- Germany, ICESCR, E/1999/22 (1998) 54 at paras. 319, 320, 331 and 333.

Paragraph 319

Of particular concern is violence against women, especially those who fall victim to marriage trafficking, trafficking for prostitution and exploitation.

Paragraph 320

The continued abuse of children and their sexual exploitation is of concern. Widespread pornography is of particular concern as it seems to be linked with the exploitation of children and women.

Paragraph 331

Affirmative and effective measures should be taken against trafficking in women and their exploitation for whatever purpose.

Paragraph 333

The State party should make increased efforts to prevent child abuse, child exploitation and child pornography.

- Italy, ICESCR, E/2001/22 (2000) 34 at paras. 121 and 134.

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Paragraph 121

While commending the State party for the many initiatives taken to combat organized crime, concerns remain about the trafficking of women and children, sexual abuse of minors and child pornography.

Paragraph 134

A comprehensive, coordinated and concerted national strategy should be devised to combat trafficking in women and children, sexual abuse of minors and child pornography by organized crime.

- Portugal, ICESCR, E/2001/22 (2000) 70 at paras. 416 and 424.

Paragraph 416

The increase in paedophilia and child pornography is noted with concern. These phenomena are associated with the increase in drug trafficking and consumption and other criminal activities which endanger the security and health of the population of the State party.

Paragraph 424

The State party should intensify its efforts to prevent drug addiction among young people and impose appropriate penalties on persons who commit offences relating to paedophilia, child pornography and trafficking in women.

- Belgium, ICESCR, E/2001/22 (2000) 77 at paras. 475 and 487.

Paragraph 475

Concern is expressed about the phenomena of paedophilia, prostitution of children, child pornography and violence against children.

Paragraph 487

The State party is urged to take effective measures to combat paedophilia, child prostitution, child pornography and violence against children, and to seek international cooperation in this regard.

- Venezuela, ICESCR, E/2002/22 (2001) 29 at para. 89.

Alarm is expressed about the high rate of domestic violence, the extent of child prostitution and trafficking in children. Deep concern is expressed about the extent of the sex trade of children and the inability of the State party to address these issues.

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- Honduras, ICESCR, E/2002/22 (2001) 33 at para. 147.

The State party is urged to address the issue of sexual abuse, exploitation and prostitution of children, by adopting a national plan to combat the problem, including collecting relevant data and conducting a thorough study of the issue.

- Republic of Korea, ICESCR, E/2002/22 (2001) 45 at paras. 231 and 250.

Paragraph 231

Concern is expressed about the rising incidence of sexual exploitation of children, child labour and hardships caused by a breakdown of the family. In this regard, the legal protection accorded to children does not appear to have been adequately implemented.

Paragraph 250

More effective measures should be taken to combat the sexual trade of children and child labour, including the expansion of programmes directed at the protection and rehabilitation of such victims.

- Bolivia, ICESCR, E/2002/22 (2001) 52 at para. 297.

The State party is urged to address the problems and shortcomings facing children and affecting their welfare, beginning with the varied ways of child exploitation such as the trafficking of children, their sexual exploitation and domestic maltreatment.

- Togo, ICESCR, E/2002/22 (2001) 57 at para. 317.

It is noted with concern that trafficking in women for the purpose of forced prostitution and non-consensual labor as domestic servants persists. It is also noted with concern that trafficking in persons predominantly concerns children, who are sold as young as 2 years old for future work on plantations or as house servants. Allegedly, these children are extensively exploited, fed poorly, crudely clothed and inadequately cared for. Although the State party has been undertaking some measures to address these problems, such as conducting public awareness campaigns and organizing a workshop for border police and other law enforcement officers on child trafficking trends and judicial remedies, the root causes of these problems have not been adequately addressed.

- Ukraine, ICESCR, E/2002/22 (2001) 78 at paras. 492 and 510.

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Paragraph 492

The large-scale trafficking and commercial sexual exploitation of women and children is a matter of concern.

Paragraph 510

The State party is encouraged to strengthen its efforts to combat the trafficking and commercial sexual exploitation of women and children. It is recommended that the State party vigorously pursue the enforcement of criminal laws in this regard; ensure that victims are not penalized and are provided with rehabilitation; ensure that the National Coordination Council against Trafficking in Human Beings is adequately resourced and staffed; and reinforce its cooperation with international and regional organizations, as well as on a bilateral basis.

- Nepal, ICESCR, E/2002/22 (2001) 83 at paras. 526, 534, 551 and 559.

Paragraph 526

It is noted that measures have been adopted to abolish and punish the practices of polygamy, dowry, *deuki* (a tradition of dedicating girls to a god or goddess; the girls become "temple prostitutes") and prostitution among the Badi caste.

Paragraph 534

The high number of women and girls being trafficked for prostitution is of deep concern. The continuation of polygamy and the practices of dowry, *deuki* and prostitution among the Badi caste, particularly in rural areas, are also regretted.

Paragraph 551

There is deep concern that the HIV/AIDS epidemic in the State party is spreading at an alarming rate due to commercial sex and trafficking of women and children, and sex tourism.

Paragraph 559

The State party is urged to enact or enforce legislation prohibiting customary practices, such as polygamy, dowry, *deuki* and prostitution among the Badi caste, and restricted ownership by women of land and family property, which violate the rights of women and girl children and to take measures to combat such practices by all means, including national educational programmes.

- Japan, ICESCR, E/2002/22 (2001) 90 at paras. 587, 595 and 622.

Paragraph 587

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The recent measures aimed at improving the protection of women and children against violence are welcomed. These measures include the following: the Law for Punishing Acts Related to Child Prostitution and Child Pornography and for Protecting Children (1999), the Law on Proscribing Stalking Behaviour and on Assisting Victims (2000) the Child Abuse Prevention Law (2000) and the Law for the Prevention of Spousal Violence and the Protection of Victims (2001). The amendments to the Criminal Procedure Act, to protect victims of child abuse and sexual offences during legal proceedings (2001), and the formulation of a Plan of Action against Commercial Sexual Exploitation of Children (2001) are also welcomed.

Paragraph 595

In spite of domestic legislation adopted in 2001, concern is expressed about the persistent cases of domestic violence, sexual harassment and sexual exploitation of children.

Paragraph 622

The State party should strictly apply its domestic legislation and implement effective sanctions to the persons responsible for crimes involving domestic violence, sexual harassment, and the sexual exploitation of children.

CEDAW

- Bolivia, CEDAW, A/50/38 (1995) 25 at para. 102.

The State party should look into the various aspects of prostitution, which is regarded as a severe case of human rights violations and one of the most heinous forms of slavery.

- Uganda, CEDAW, A/50/38 (1995) 61 at paras. 336 and 340.

Paragraph 336

Sexual abuse against school children by their teachers and other adults is of serious concern. This has serious consequences on their lives, among others, high rate of school drop-outs.

Paragraph 340

Measures should be taken to raise the awareness of teachers and citizens in order to halt sexual abuse against children.

- Finland, CEDAW, A/50/38 (1995) 71 at para. 391.

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Concern is expressed over patterns of violence against women, including incest, that had only recently become apparent and were presently a subject of governmental consideration, though the recent criminalization of marital rape is noted as a positive step towards removing the public-private distinction that had hitherto hindered governmental intervention. Concern is also expressed about the matter of trafficking in women from foreign countries and sex tourism.

- Cyprus, CEDAW, A/51/38 (1996) 9 at para. 61.

Additional measures should be taken through local and international law-enforcement authorities to combat the international trafficking and sexual exploitation of women.

- Ethiopia, CEDAW, A/51/38 (1996) 19 at para. 156.

Training programmes should be put in place, aimed at rehabilitating prostitutes and equipping them and other women with skills that will provide an alternative source of income.

- Cuba, CEDAW, A/51/38 (1996) 26 at paras. 220 and 225.

Paragraph 220

The re-emergence of prostitution, which is linked to the growth in tourism and to the economic problems facing women, is of concern.

Paragraph 225

Every effort should be made to further check the re-emergence of prostitution, to offer more and better job opportunities to women who engage in prostitution, and not to place the sole responsibility for prostitution on the women themselves. Stronger measures must be adopted to prosecute procurers and clients who violated those women's rights.

- Hungary, CEDAW, A/51/38 (1996) 29 at para. 261.

All necessary measures should be taken to rehabilitate and reintegrate prostitutes into society.

- Ukraine, CEDAW, A/51/38 (1996) 32 at para. 299.

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Legislation that allows the activities of numerous sex services and the practice of hiring women as dancers, waiters or other staff to work abroad, often leading to prostitution, should be reviewed and amended, and measures should be taken to prosecute criminal offenders and to rehabilitate the victims through education, training and support services.

- Rwanda, CEDAW, A/51/38 (1996) 36 at para. 330.

Resolution 1995/5, entitled "Situation of human rights in Rwanda" and resolution 1995/14, entitled "Systematic rape and sexual slavery during periods of armed conflict", of the Subcommission on Prevention of Discrimination and Protection of Minorities should be implemented immediately.

- Denmark, CEDAW, A/52/38 /Rev.1 part I (1997) 34 at para. 269.

Further efforts should be made to determine whether trafficking in women and exploitation of prostitution are taking place and whether new communications technologies, especially the Internet, are being used for such purposes.

- Philippines, CEDAW, A/52/38/Rev.1 part I (1997) 38 at para. 299.

Measures for dealing with prostitution should focus on penalizing traffickers and creating alternative job opportunities for the women involved.

- Armenia, CEDAW, A/52/38/Rev.1 part II (1997) 78 at para. 59.

The Government's report of increasing prostitution, especially in relation to the limited economic options for women, is of concern. The lack of access of women engaging in prostitution to appropriate health services, including for the prevention and care of HIV/AIDS, is noted.

- Israel, CEDAW, A/52/38/Rev.1 part II (1997) 87 at para. 168.

It is of concern that a large number of women are arrested for prostitution. The large number of advertisements for sex services in daily newspapers, which contributes significantly to the spread of prostitution, is also of concern.

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- Luxembourg, CEDAW, A/52/38/Rev.1 part II (1997) 92 at paras. 208 and 218.

Paragraph 208

Concern is expressed over the existing national provisions concerning the implementation of article 6 of the Convention, in particular the lack of effective measures for the protection and rehabilitation of women prostitutes.

Paragraph 218

Concrete measures should be taken to implement fully the conclusions of The Hague Ministerial Declaration.

- Australia, CEDAW, A/52/38/Rev.1 part II (1997) 111 at para. 395.

Paedophilia and sex tourism involving Australian men, primarily in Asian countries, and the situation of women brought to Australia as brides are matters of concern.

- Azerbaijan, CEDAW, A/53/38/Rev.1 part I (1998) 7 at paras. 65 and 75.

Paragraph 65

The situation of women victims of prostitution and trafficking is a serious concern. The content and the implementation of legislation to address those problems may be discriminatory and might not always respect the rights of victims or produce positive results. For example, forced medical control of prostitutes, where such measures are not implemented with respect to clients, is discriminatory and might be counterproductive.

Paragraph 75

Refugee and migrant women should be provided with adequate information to protect them from traffickers and others who seek to exploit women for the purposes of prostitution.

- Zimbabwe, CEDAW, A/53/38/Rev.1 part I (1998) 13 at paras. 146 and 158.

Paragraph 146

Dissatisfaction is expressed at the fact that prostitutes are criminalized by law while their clients go unpunished. Concern is expressed over the poor women, migrant women and women from other marginalized sectors which are particularly vulnerable and often turn to prostitution as a means of survival.

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Paragraph 158

Article 6 of the Convention should be addressed by putting in place socio-economic programmes that will assist women living by prostitution. The Government should systematically document the prevalence of prostitution so as to enable it to develop assistance programmes in this regard.

- Czech Republic, CEDAW, A/53/38/Rev.1 part I (1998) 16 at paras. 192 and 204.

Paragraph 192

It is of concern that prostitution and trafficking in women are approached exclusively in the context of combatting organized crime. These crimes are closely related to economic transition and socio-political changes. The adverse effects of such developments as rising unemployment and increasing poverty are acknowledged as factors contributing to prostitution and trafficking in women.

Paragraph 204

Effective policies should be formulated and implemented to combat prostitution and trafficking of women. Measures to combat these crimes require not only services to victims and sanctions for perpetrators, but the design and implementation of comprehensive national social and economic policies to create new opportunities for women. Therefore, effective action should be taken to combat feminization of poverty and to improve the economic situation of women in order to prevent trafficking and prostitution.

- Bulgaria, CEDAW, A/53/38/Rev.1 part I (1998) 19 at para. 256.

The Government should implement its intention to cooperate at the regional and international levels with regard to the problem of trafficking in women and their exploitation through prostitution. In order to tackle the problem of trafficking in women, it is essential to address women's economic vulnerability, which is the root cause of the problem. In addition, national legislation should be reviewed and amended in accordance with the Convention, effective administrative and police structures need to be created, media sensitization and training campaigns conducted and the work of women's non-governmental organizations in this area promoted.

- Indonesia, CEDAW, A/53/38/Rev.1 part I (1998) 24 at paras. 295, 296, 300 and 310.

Paragraph 295

The information provided on the situation of women in areas of armed conflict reflects a limited understanding of the problem. The Government's remarks are confined to the participation of women in the armed forces and do not address the vulnerability of women to sexual exploitation in conflict

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situations, as well as a range of other human rights abuses affecting women in such contexts.

Paragraph 296

The information on the situation of migrant women, which has been presented in the form of a supplement to the report is noted. However, concern is expressed over the fact that this does not include discussion of reports of deaths as a result of mistreatment and abuses of Indonesian migrant women abroad, as well as cases of trafficking for the purposes of prostitution. The lack of mechanisms to respond to abuses of Indonesian women abroad is also of concern.

Paragraph 300

Not enough is being done to address the issue of prostitution and trafficking in women as envisaged in article 6 of the Convention. Preventive measures and re-socialization efforts are aimed principally at prostitutes and do not address male clients.

Paragraph 310

The issue of trafficking in women and prostitution should be addressed and socio-economic and health programmes should be established to assist women in this context.

- Dominican Republic, CEDAW, A/53/38/Rev.1 part I (1998) 28 at paras. 333 and 346.

Paragraph 333

The economic consequences of women's poverty are of deep concern. Women's migration to urban areas and to foreign countries render them susceptible to sexual exploitation, including trafficking and sex tourism, and prostitution. The lack of creation of jobs for women in growth sectors, including in the tourism industry, contributes to the high percentage of women migrating abroad in search of work. Notwithstanding the high level of poverty among women, and especially of women-headed households, concern is expressed over the fact that no affirmative action measures are being taken to support women's efforts to break the cycle of poverty.

Paragraph 346

The Government is urged to pursue bilateral agreements and to cooperate in multilateral efforts to reduce and eradicate traffic in women, and to protect women migrant workers, such as domestic workers, from exploitation, including sexual exploitation. Such agreements should be concluded, in particular with those countries that are a primary destination for Dominican women workers.

- Peru, CEDAW, A/53/38/Rev.1 part II (1998) 72 at para. 327.

Concern is expressed at the fact that, although the State party's report mentions Act No. 26260 on

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domestic violence, it does not make reference to any specific measures taken to deal with cases of violence, including incest, the incidence of which is extremely high. Moreover, the instances of sexual violence against rural and indigenous women and the high rate of sexual abuse of teenagers and girls in emergency zones are of deep concern.

- Thailand, CEDAW, A/54/38/Rev.1 part I (1999) 24 at paras. 237 and 238.

Paragraph 237

It is strongly recommended that the State party consider the issue of migration and commercial sex work as a critical human rights issue.

Paragraph 238.

The State party should explore the possibility of cooperation with other countries and coordination with non-governmental organizations when introducing measures to address this issue.

- China, CEDAW, A/54/38/Rev.1 part I (1999) 26 at paras. 289, 291 and 326.

Paragraph 289

The decriminalization of prostitution is recommended. Given the HIV/AIDS pandemic, due attention should be paid to health services for women in prostitution. The Government is also urged to take measures for the rehabilitation and reintegration of prostitutes into society.

Paragraph 291

The Government is urged to investigate reports of local officials' involvement in trafficking and the exploitation of prostitution, and to prosecute all persons engaged in such practices.

Paragraph 326

Adequate regulations to protect women sex workers should be put in place and enforced. It is also recommended that the Government monitor the links between the presence of migrant women, a regulatory approach to prostitution and trafficking in women.

- Colombia, CEDAW, A/54/38/Rev.1 part I (1999) 33 at para. 377.

It is a concern that although national legislation condemns inhuman and degrading treatment, many women are forced to become prostitutes in order to survive and there is traffic in women.

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- Georgia, CEDAW, A/54/38/Rev.1 part II (1999) 53 at para. 102.

Laws specifically addressing violence against women and criminalizing rape in marriage should be put in place. The State party should also consider an amendment to the Penal Code to impose severe penalties for sexual violence and abuse of women and girls. It is also recommended that policies and programmes be designed and implemented to address violence against women. In particular, the establishment of a network of crisis centres and the expansion of consultative services so as to render the necessary assistance to women victims, especially girls, both in urban and rural areas, is suggested. Programmes of rehabilitation and reintegration should be developed for the victims of sexual exploitation in prostitution and cross-border trafficking. Gender-sensitive training for law enforcement officials and agencies and collection of information and statistical data is urged.

- Nepal, CEDAW, A/54/38/Rev.1 part II (1999) 57 at para. 150.

The State party is urged to take effective steps to review existing legislative provisions on prostitution and trafficking in women and their compatibility with the Convention, and to ensure their full implementation and compliance. The Government should also initiate regional and bilateral cooperation, taking into account subregional, regional and international agreements and standards on this issue. The Government is urged to review its Criminal Code, punish persons who procure women for prostitution or for trafficking, establish repatriation and rehabilitation programmes, and support services for victims of trafficking.

- India, CEDAW, A/55/38 part I (2000) 7 at paras. 62, 63, 76 and 77.

Paragraph 62

India has not yet established a comprehensive and compulsory system of registration of births and marriages. Inability to prove those important events by documentation prevents effective implementation of laws that protect girls from sexual exploitation and trafficking, child labour and forced or early marriage.

Paragraph 63

The Government should provide adequate resources and establish a system of compulsory registration of births, and should monitor implementation in cooperation with women's groups and local bodies. The Government is urged to withdraw the declaration to article 16 (2) of the Convention.

Paragraph 76

The fact that women and girls are exploited in prostitution and inter-state and cross-border trafficking is of concern. Also of concern is that those women are exposed to HIV/AIDS and health risks and

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that existing legislation encourages mandatory testing and isolation.

Paragraph 77

The Government is called upon to review existing legislation on trafficking and forced prostitution and to strengthen law enforcement. The development of bilateral and inter-state controls and reintegration and advocacy programmes to prevent the exploitation of women and girls in forced prostitution and trafficking is recommended.

- Democratic Republic of the Congo, CEDAW, A/55/38 part I (2000) 21 at paras. 219 and 220.

Paragraph 219

The extent of prostitution, often resulting from poverty, and particularly prostitution of girl children, is of concern.

Paragraph 220

The Government is urged to adopt and enforce laws that prohibit the prostitution of girl children as well as to introduce appropriate measures for the social rehabilitation of prostitutes and to ensure that psycho-educational services are provided, in particular to these very young prostitutes. In addition, in view of the HIV/AIDS pandemic in the State party, full attention must be paid to the provision of health services for prostitutes.

- Germany, CEDAW, A/55/38 part I (2000) 29 at paras. 322, 325 and 326.

Paragraph 322

The Government is urged to recognize that trafficked women are victims of human rights violations in need of protection and, accordingly, to provide assistance to them. The Government should review its procedures for issuance of visas to dependent spouses taking into consideration that such spouses may be vulnerable to sexual exploitation.

Paragraph 325

It is of concern that, although they are legally obliged to pay taxes, prostitutes still do not enjoy the protection of labour and social law.

Paragraph 326

The legislative situation affecting women prostitutes should be improved so as to render them less vulnerable to exploitation and increase their social protection.

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- Luxembourg, CEDAW, A/55/38 part I (2000) 38 at paras. 394 and 411.

Paragraph 394

The law of May 1999 that strengthened measures against trafficking in humans and the sexual exploitation of children and, in particular, extended Luxembourg law to cover all sexual crimes or misdemeanours committed abroad by citizens of Luxembourg, is welcomed.

Paragraph 411

Policy and legislation should be developed to prevent and eliminate domestic violence, and sexual violence, including rape, against women and girls, and to prosecute violators. The Government should gather further information on the impact of the law on trafficking in humans and the sexual exploitation of children.

- Cameroon, CEDAW, A/55/38 part II (2000) 53 at paras. 51 and 52.

Paragraph 51

It is of concern that because of the increased feminization of poverty, more women and girls are entering prostitution and are thereby exposed to exploitation.

Paragraph 52

Poverty alleviation programmes should be designed and implemented so that women and girls do not have to resort to prostitution for their livelihoods. The Government should develop programmes to reintegrate prostitutes, raise public awareness and prevent such exploitation. Moreover, in the light of the HIV/AIDS pandemic in the State party, full attention must be paid to the health services available to prostitutes.

- Republic of Moldova, CEDAW, A/55/38 part II (2000) 56 at paras. 103 and 104.

Paragraph 103

Concern is expressed over the increase in trafficking in women and girls for a variety of purposes including sexual exploitation, often under false pretences.

Paragraph 104

The Government should implement a holistic approach to combat trafficking in women for

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commercial or sexual purposes. This should include a legislative framework to prosecute and punish traffickers, preventive measures aimed at improving women's economic situation so as to reduce their economic vulnerabilities, and measures to rehabilitate and reintegrate trafficked women where necessary. The Government is also urged to increase international and cross-border cooperation, especially with receiving countries, to reduce the incidence of trafficking and prosecute traffickers, as well as to ensure the protection of the human rights of trafficked women.

- Lithuania, CEDAW, A/55/38 part II (2000) 61 at paras. 134, 152 and 153.

Paragraph 134

The willingness of the Government to address the issues of prostitution and trafficking in women and girls, which has resulted in various changes of and amendments to the Criminal Code of Lithuania, some of which, however, are still to be adopted, is appreciated. The National Programme on Control and Prevention of Prostitution and Trafficking, to be launched soon and to be implemented by ministries and governmental and non-governmental institutions, is commended.

Paragraph 152

While recognizing the efforts made by the Government in addressing the issue of trafficking in women and girls, it is noted with concern that the size of the problem is not reflected in the information provided. Attention is drawn to article 6 of the Convention, and in this regard, it is noted that criminal penalties imposed only on prostitutes entrench sexual exploitation of women.

Paragraph 153

The Government should increase its collaboration with other countries of origin, both transit and destination of trafficked women and girls. Reintegration programmes should be created for victims of prostitution and trafficking in cooperation with non-governmental organizations.

- Cuba, CEDAW, A/55/38 part II (2000) 73 at paras. 265 and 266.

Paragraph 265

While prostitution is not a crime, it is noted with concern that there is little information about the impact of programmes and other measures to prevent women from becoming prostitutes, and to rehabilitate and reintegrate them into society. Further efforts are needed to identify the root causes of the increase in prostitution in recent years, and of the effectiveness of measures to counteract this trend.

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Paragraph 266

The Government is urged to increase its understanding of the causes of prostitution, and to assess the impact of its preventive and rehabilitative measures with a view to improving their effectiveness, and to bringing them fully into line with article 6 of the Convention. Programmes for women's economic independence should be expanded in such a manner as to attack the causes of prostitution and to eradicate the need for women to enter into prostitution.

- Romania, CEDAW, A/55/38 part II (2000) 77 at para. 309.

The Government should pay due attention to article 6 of the Convention in the ongoing debate about the legislative approach to prostitution.

- Jamaica, CEDAW, A/56/38 part I (2001) 22 at para. 226.

The State party should raise public awareness about violence against women and strengthen its activities and programmes to focus on sexual violence, sexual crimes, incest and prostitution, especially prostitution associated with tourism. The Government is urged to ratify the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women in order to strengthen the Government's programmes in that area.

- Mongolia, CEDAW, A/56/38 part I (2001) 26 at paras. 265 and 266.

Paragraph 265

The fact that limited steps have been taken to combat prostitution and trafficking in women is of concern.

Paragraph 266

Steps should be taken to prosecute persons engaged in organizing prostitution and effective measures should be adopted to combat trafficking in women.

- Finland, CEDAW, A/56/38 part I (2001) 29 at paras. 303 and 304.

Paragraph 303

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Notwithstanding the extensive measures already undertaken, the increased incidence of trafficking in women and the exploitation of prostitution of women are matters of concern.

Paragraph 304

Efforts to increase cooperation between national and international authorities should be intensified in order to encourage common action to prevent and combat trafficking. The Internet should be used to disseminate information on the Government's actions against trafficking. A positive change of atmosphere in the media regarding sex phone lines should be encouraged, as they run counter to the efforts being made to portray women positively, and not as "sex objects."

- Egypt, CEDAW, A/56/38 part I (2001) 33 at paras. 346 and 347.

Paragraph 346

Several provisions of the Penal Code discriminate against women. In particular, prostitutes are penalized, while their clients are not.

Paragraph 347

Any discriminatory penal provisions should be eliminated in accordance with the Constitution and the Convention.

- Guinea, CEDAW, A/56/38 part II (2001) 55 at paras. 136 and 137.

Paragraph 136

It is noted with concern that despite legislative prohibition, prostitution is growing at an alarming rate and the prevalence of HIV and other sexually transmitted diseases among prostitutes is increasing.

Paragraph 137

Laws that prohibit the exploitation of prostitution should be strictly enforced without penalizing women who provide sexual services and full attention should be paid to the provision of health services for prostitutes so as to curb the rise in the number of HIV/AIDS cases.

- Guyana, CEDAW, A/56/38 part II (2001) 60 at paras. 180 and 181.

Paragraph 180

Concern is expressed about the application of legislation on prostitution, dating from 1893, which has not been reformed and continues to penalize the prostitute but not the client or the procurer.

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Paragraph 181

Existing legislation on prostitution should be reviewed and amended in conformity with the Convention, and its full implementation and compliance should be ensured. In light of the high incidence of HIV/AIDS, full attention must be paid to the health services available to prostitutes.

- The Netherlands, CEDAW, A/56/38 (Part I) (2001) 63 at paras. 209 and 210.

Paragraph 209

Noting the recent legislation on the abolition of the ban on brothels, which came into effect in October 2000, the Committee emphasizes that prostitution poses for women risks of exploitation and violence.

Paragraph 210

The Government is urged to begin monitoring the law on abolition of the ban on brothels immediately. The Government is also urged to increase its efforts to provide training and education to prostitutes in order to ensure that they have a full range of options for earning their livelihood.

- Nicaragua, CEDAW, A/56/38 part II (2001) 72 at paras. 298 and 299.

Paragraph 298

The custom of sexual abuse of young girls by older men, particularly in rural areas, is of concern. This violates the rights of girls to reproductive health, as well as other rights under the Convention.

Paragraph 299

Awareness-raising and penal measures should be introduced to eliminate the sexual abuse of young girls.

- Sweden, CEDAW, A/56/38 part II (2001) 76 at paras. 354 and 355.

Paragraph 354

While welcoming the criminalization of the purchase of sexual services, this may have increased the incidence of clandestine prostitution, thereby rendering prostitutes more vulnerable. Concern is also expressed that Sweden has become a country of destination for trafficked women.

Paragraph 355

The effect of the current policy of criminalizing the purchase of sexual services should be evaluated,

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especially in view of the complete lack of data on clandestine prostitution which may have incidental effects on the trafficking of women and girls. Action is encouraged and, through the Government, continued efforts are encouraged within the European Union to combat the trafficking of women, including measures to prevent trafficking, the collection of data, the provision of services for trafficked women and measures to penalize those who facilitate such trafficking.

CRC

- Bolivia, CRC, CRC/C/16 (1993) 13 at para. 36.

Vulnerable groups of children, including girl children, indigenous children and children living in poverty, are particularly disadvantaged in their access to adequate health and educational facilities and are the primary victims of such abuses as sale and trafficking, child labour and sexual and other forms of exploitation.

- Sweden, CRC, CRC/C/16 (1993) 16 at paras. 53 and 58.

Paragraph 53

It is of concern that the age of sexual maturity has not been fixed, which threatens the protection of children from possible exploitation in the use of pornographic materials.

Paragraph 58

Recognizing that the ratification of other international human rights instruments has a favourable influence on the promotion of the rights of the child, the State party might consider ratifying the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

- Russian Federation, CRC, CRC/C/16 (1993) 21 at para. 92.

More determined steps need to be taken to combat child prostitution, for example, the police forces should accord high priority to the investigation of such cases and the development of programmes to implement the provisions contained in article 39 of the Convention.

- Philippines, CRC, CRC/C/38 (1995) 12 at paras. 64 and 72.

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Paragraph 64

The large and growing number of children who, due to rural exodus, extreme poverty, abandonment, as well as situations of violence within the family, are forced to live and/or work in the streets, are deprived of their fundamental rights and exposed to various forms of exploitation, and this is a matter of deep concern.

Paragraph 72

The State party should intensify its action against all violence directed at and ill-treatment of children, in particular sexual abuse. An increased number of programmes should aim at the prevention of sexual misbehaviour towards children. The deep causes of the phenomenon should be seriously looked at. In this regard, the active participation of non-governmental organizations as well as children and youth groups in changing and influencing attitudes should be sought.

- Nicaragua, CRC, CRC/C/43 (1995) 10 at paras. 52 and 62.

Paragraph 52

The increasing number of children who make a living by selling and begging on the streets are especially vulnerable to sexual exploitation and this is of grave concern.

Paragraph 62

More comprehensive and coordinated campaigns should be organized in order to address the interrelated family and social-related problems of: the high number of family separations, the relatively high maternal mortality rate and teenage pregnancies, the number of children who are victims of violence or abuse, and the rising number of children living or begging on the street who are at risk of sexual exploitation.

- Sri Lanka, CRC, CRC/C/43 (1995) 26 at paras. 157 and 176.

Paragraph 157

The substantial number of children working as domestic servants and who are often subjected to sexual abuse is of grave concern. The increasing number of children exploited sexually, especially young boys forced into prostitution, both locally and in international sex tourism is deeply worrisome.

Paragraph 176

The development of sexual exploitation of children, especially of boys, through sex tourism is of deep

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concern. The authorities should engage in a prevention campaign on the HIV virus and strengthen its procedures to supervise tourist areas where the problem prevails.

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at para. 118.

The State party should consider the possibility of reviewing its legislation in relation to the age of sexual consent in the light of the concerns raised on this matter by the Committee. Serious consideration should be given to the possibility of allocating further resources for programmes for the prevention of sexual abuse and exploitation and the rehabilitation of victims, including training of and support to the professionals dealing with these issues and the development of an integrated and coordinated approach to assist both the victims and the perpetrators of such abuse. In this connection, the State party should consider greater use of the media in relation to awareness-raising and education on the dangers of sexual exploitation and abuse and the issues of HIV/AIDS and other sexually transmitted diseases.

- Finland, CRC, CRC/C/50 (1996) 35 at paras. 228 and 238.

Paragraph 228

Appropriate, and in particular legislative, measures have not yet been taken to forbid the possession of child pornography and the purchasing of sexual services from child prostitutes. The existence of sex telephone services accessible by children is also a serious concern.

Paragraph 238

The possession of child pornography materials and the purchase of sexual services from child prostitutes should be made illegal. The State party should also take all appropriate measures to protect children from accessing sex telephone services and from the risk of being sexually exploited by paedophiles through these telephone services that can be accessed by anyone. Finally, measures should be taken to fully protect professionals who report evidence of sexual abuse to the relevant authorities.

- Nepal, CRC, CRC/C/54 (1996) 25 at paras. 172 and 184.

Paragraph 172

The increasing phenomenon of child prostitution that affects in particular children belonging to the lower castes in particular is a concern. The absence of measures to combat this phenomenon and the lack of rehabilitation measures are worrisome.

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Paragraph 184

Firm measures should be taken to ensure the right of survival of all children in Nepal, including those who live and/or work in the streets. Such measures should aim at the effective protection of children against any form of exploitation, particularly child labour, prostitution, drug-related activities and child trafficking and sale.

- Cyprus, CRC, CRC/C/54 (1996) 38 at para. 251.

The recent incidence of prostitution, which affects particularly non-Cypriot children, is a concern. The increasing number of children working as domestic servants in illegal conditions, who are vulnerable to all types of abuse, including sexual abuse and exploitation, is also a concern.

- Nigeria, CRC, CRC/C/57 (1996) 12 at para. 95.

The State party is encouraged in its efforts to follow up at both the national and regional levels on the measures required to prevent and combat the sexual exploitation of children.

- Mauritius, CRC, CRC/C/57 (1996) 29 at paras. 176, 178, 191 and 192.

Paragraph 176

The provisions of the Penal Code relating to protection against sexual abuse, which provide no safeguard for the protection of boy victims, are of concern.

Paragraph 178

The reported increase in child abuse, including infanticide, domestic violence and child prostitution and the lack of adequate measures for the psycho-social recovery of child victims of such abuse are of concern.

Paragraph 191

All appropriate measures should be taken to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of children, including victims of sexual tourism. Further measures should be taken with a view to ensuring the physical and psychological recovery and rehabilitation of the victims of abuse, neglect, ill-treatment, violence or exploitation.

Paragraph 192

The penal law should be amended so that adults having sexual intercourse with boys under 16 is

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considered to be a criminal act. The State party should consider seeking technical assistance for this purpose from the High Commissioner for Human Rights/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

- Bulgaria, CRC, CRC/C/62 (1997) 7 at paras. 38 and 54.

Paragraph 38

The recent rise in child prostitution and the production and dissemination of pornographic materials involving children are matters of concern. In this regard, the fact that no specific and appropriate legislation and programmes exist to prevent and combat sexual abuse and exploitation is of serious concern.

Paragraph 54

All appropriate measures should be taken to prevent and combat corporal punishment, sexual abuse and exploitation and ill-treatment of children, including in institutions and in detention centres. Corporal punishment should be prohibited by civil legislation and appropriate legal measures should be taken to combat sexual abuse and exploitation of children. Cases of abuse should be properly investigated, sanctions applied to perpetrators and publicity given to the decisions taken in those cases. Further measures should be taken with a view to ensuring the physical and psychological recovery and social reintegration of the victims of abuse, neglect, ill-treatment, violence or exploitation.

- Panama, CRC, CRC/C/62 (1997) 19 at para. 132.

All appropriate measures should be taken to prevent and combat sexual abuse and sexual exploitation of children and to ensure their physical and psychological recovery and social reintegration.

- Myanmar, CRC, CRC/C/62 (1997) 25 at paras. 155, 158, 159, 175 and 178.

Paragraph 155

The numerous documented cases of rape of young girls by soldiers and cases of children systematically being forced into labour, including as porters, are of concern.

Paragraph 158

The fact that a significant number of girls, and sometimes boys, are victims of transnational trafficking for the purpose of sexual exploitation in brothels across the border is of concern.

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Paragraph 159

The insufficient measures taken to provide physical and psychological recovery and social reintegration to children victims of any form of neglect, abuse and/or exploitation, particularly victims of armed conflicts, sexual exploitation and child labour, are worrisome.

Paragraph 175

All reported cases of abuse, rape and/or violence against children committed by members of the armed forces should be rapidly, impartially, thoroughly and systematically investigated. Appropriate judicial sanctions should be applied to perpetrators and wide publicity should be given to such sanctions.

Paragraph 178

All appropriate measures should be taken to prevent and combat child abuse, including sexual abuse, and the sale and trafficking of children, child prostitution and child pornography. The establishment of bilateral agreements between concerned parties to prevent and combat transnational trafficking and sale of children for sexual exploitation are encouraged.

- Cuba, CRC, CRC/C/66 (1997) 9 at paras. 45, 53, 68 and 71.

Paragraph 45

The failure to provide for a minimum age for sexual consent and the absence of harmonization between the age for the completion of compulsory schooling and the minimum age for employment are matters of concern.

Paragraph 53

Insufficient efforts are being taken by the State party to devise preventive strategies to ensure that problems such as drug abuse and trafficking, child labour, child prostitution and suicide do not become more prevalent, thereby endangering future generations of children.

Paragraph 68

The minimum legal age of sexual consent should be reviewed as a matter of urgency, with a view to raising it.

Paragraph 71

Begging, drug abuse and trafficking and child prostitution should be monitored with a view to their early prevention.

- Ghana, CRC, CRC/C/66 (1997) 15 at paras. 100 and 121.

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Paragraph 100

The absence of information and data concerning sexual abuse and exploitation, including in the family, is of concern. In this regard, the fact that children aged between 14 and 18 years do not benefit from appropriate legal and social protection measures is worrisome.

Paragraph 121

The legislative framework should be reinforced to fully protect children from all forms of sexual abuse or exploitation, including within the family. The State party should engage in studies with a view to designing and implementing appropriate policies and measures, including in the area of rehabilitation, to combat this phenomenon comprehensively and effectively. In this regard, attention is drawn to the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

See also:

- Togo, CRC, CRC/C/69 (1997) 39 at paras. 268 and 292.
 - Kuwait, CRC, CRC/C/80 (1998) 28 at para. 149.
 - Guinea, CRC, CRC/C/84 (1999) 21 at para. 124.
 - Honduras, CRC, CRC/C/87 (1999) 26 at para. 129.
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- Bangladesh, CRC, CRC/C/66 (1997) 22 at paras. 141, 158, 162 and 170.

Paragraph 141

The lack of appropriate measures to combat and prevent ill-treatment and abuse, including sexual abuse, both within and outside the family, and the lack of awareness and information on this matter are matters of concern.

Paragraph 158

Measures, including studies and campaigns, should be taken to combat traditional attitudes and stereotypes and to sensitize society to the situation and needs of the girl child, children born out of wedlock, children living and/or working on the street, child victims of sexual abuse and exploitation, children with disabilities, refugee children and children belonging to tribal minorities.

Paragraph 162

Additional measures are needed to combat violence against and abuse of children, including sexual abuse. Programmes for the rehabilitation and reintegration of traumatized children need to be developed and adequate procedures and mechanisms devised to deal with complaints of both physical

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and psychological ill-treatment. Allegations of violations of children's rights should be investigated and prosecuted.

Paragraph 170

All appropriate measures should be taken to prevent and combat sexual abuse and sexual exploitation of children and to ensure their physical and psychological recovery and social reintegration. Bilateral and regional cooperation should be reinforced to prevent and combat the serious problem of trafficking of children.

See also:

- Uganda, CRC, CRC/C/69 (1997) 21 at para. 132.
- Trinidad and Tobago, CRC, CRC/C/69 (1997) 33 at para. 215.

- Paraguay, CRC, CRC/C/66 (1997) 29 at paras. 192, 197, 198 and 218.

Paragraph 192

The social and economic disadvantages faced by children, in particular those living in rural and certain urban areas, have led to various forms of exploitation of those children, including their placement as domestic servants in wealthier families, thus exposing them to ill-treatment and abuse, including sexual abuse in some cases.

Paragraph 197

The prevalence of prostitution among children and adolescents is of concern.

Paragraph 198

A clear strategy to combat the abuse and sexual exploitation of children does not exist and this is of concern.

Paragraph 218

With a view to preventing and combatting sexual abuse and exploitation of children, in particular prostitution, all appropriate measures, including the adoption of relevant legislation and the formulation of a national policy, should be taken and international assistance should be sought in this regard.

- Algeria, CRC, CRC/C/66 (1997) 35 at para. 240.

That the law applicable in the case of rape of a minor excuses the perpetrator of the crime from penal

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prosecution if he is prepared to marry his victim is of deep concern. Furthermore, its of concern that in order to legitimize celebration of marriage which would otherwise contravene the law, article 7 of the Algerian Family Code allows the judge to lower the age for marriage if the victim is a minor.

- Azerbaijan, CRC, CRC/C/66 (1997) 41 at para. 305.

A comprehensive study of child abuse, including sexual abuse, and ill-treatment in the family, as well as a study on youth suicide, should be undertaken. Adequate programmes should be designed and adopted to prevent sexual abuse and exploitation of children, especially child prostitution.

- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at paras. 54 and 78.

Paragraph 54

The increasing phenomenon of child prostitution and trafficking, which affects boys as well as girls, is of concern. The insufficient measures to prevent and combat this phenomenon and the lack of rehabilitation measures are also worrisome.

Paragraph 78

With regard to the increase in child prostitution and trafficking, measures should be taken on an urgent basis, such as the rehabilitation of victims and a comprehensive programme of prevention, including an awareness raising and education campaign, in particular in rural areas. Further, efforts should be strengthened to control child pornography. Concerning the trafficking of boys and girls into neighbouring countries for work or prostitution, efforts should be strengthened to raise awareness in communities and to establish vocational training for young people, in particular in rural areas. Cooperation with neighbouring countries is strongly encouraged.

- Australia, CRC, CRC/C/69 (1997) 16 at paras. 100 and 115.

Paragraph 100

The spread of homelessness amongst young people is of concern as this puts children at risk of involvement in prostitution, drug abuse, pornography, or other forms of delinquency and economic exploitation.

Paragraph 115

Further research should be carried out to identify the causes of the spread of homelessness, particularly among young persons and children, including, *inter alia*, the socio-economic background

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of the child and his/her family, and to identify any link between homelessness and child abuse, including sexual abuse, child prostitution, child pornography, and trafficking in children. Further policies of poverty alleviation should be adopted, and support services should be strengthened to provide for homeless children.

- Uganda, CRC, CRC/C/69 (1997) 21 at paras. 140 and 155.

Paragraph 140

Serious concern is expressed at the increase in the number of child prostitutes and the fact that no clear strategy exists to combat the abuse and sexual exploitation of children.

Paragraph 155

Informal education programmes should be designed and adopted to prevent sexual abuse and exploitation of children, especially child prostitution.

- Czech Republic, CRC, CRC/C/69 (1997) 28 at paras. 179 and 196.

Paragraph 179

Measures, including legal ones, being taken to address the problems of child abuse, including sexual abuse within the family, and the sale and trafficking of children, child prostitution and child pornography are insufficient. That the State party may serve as a transit country for the trafficking of children is of concern.

Paragraph 196

Policies and programmes should be reinforced to prevent and combat all forms of sexual abuse, including domestic violence and incest. As regards sexual exploitation of children, the recommendations of the 1996 Stockholm Congress against Commercial Sexual Exploitation of Children, as well as those of the Special Rapporteur on the sale of children, child prostitution and child pornography should be taken into consideration.

- Togo, CRC, CRC/C/69 (1997) 39 at para. 266.

The widespread sale and trafficking of children which result in their economic and sexual exploitation is of serious concern.

- Libyan Arab Jamahiriya, CRC, CRC/C/73 (1998) 9 at para. 57.

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Cases of abuse and ill-treatment of children, including rape and sexual abuse within the family, should be properly investigated, sanctions should be applied to perpetrators and publicity should be given to decisions taken in such cases, with due regard given to protecting the right to privacy of the child. Further measures should be taken with a view to ensuring the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, and the prevention of criminalization and stigmatization of victims.

- Hungary, CRC, CRC/C/79 (1998) 7 at paras. 47 and 62.

Paragraph 47

The legal and other measures taken to address the issue of sexual exploitation of children, including child prostitution and trafficking of children, are insufficient.

Paragraph 62

Efforts to prevent and combat the commercial sexual exploitation of children, especially the use of children in pornography and prostitution and the trafficking of children, should be continued. Further studies and surveys should be conducted on this issue in order to design a comprehensive policy and programmes to address these phenomena. Rehabilitation and reintegration programmes should be developed for victims of sexual abuse and exploitation.

- Fiji, CRC, CRC/C/79 (1998) 18 at paras. 124, 136 and 143.

Paragraph 124

The insufficient rehabilitation measures for ill-treated, sexually abused and economically exploited children, as well as their limited access to the justice system, is of concern.

Paragraph 136

All appropriate measures, including revision of legislation, should be taken to prevent and combat ill-treatment within the family, including domestic violence and sexual abuse of children. Authorities should set up social programmes to prevent all types of child abuse as well as to rehabilitate the child victims. Law enforcement should be strengthened with respect to such crimes and adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as special rules of evidence and special investigators or community focal points.

Paragraph 143

Further measures, including legal reform, should be taken to prevent and combat sexual economic

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exploitation of children, including the use of children in prostitution and pornography and the trafficking and abduction of children.

- Japan, CRC, CRC/C/79 (1998) 25 at paras. 171 and 192.

Paragraph 171

The lack of a comprehensive plan of action to prevent and combat child prostitution, child pornography and trafficking of children is of concern.

Paragraph 192

A comprehensive plan of action should be designed and implemented to prevent and combat child prostitution, child pornography and trafficking of children, in line with the outcome of the 1996 World Congress against Commercial Sexual Exploitation of Children.

- Maldives, CRC, CRC/C/79 (1998) 31 at paras. 211, 218 and 238.

Paragraph 211

The insufficient awareness of and lack of information on ill-treatment and abuse, including sexual abuse both within and outside the family, the insufficient legal protection measures, the inappropriate resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse are matters of concern. The insufficiency of rehabilitation measures for such children and their limited access to justice are also matters of concern.

Paragraph 218

The insufficient preventive measures, including legal ones, taken to avoid the emergence of child labour and economic exploitation, including sexual exploitation, are of concern. The lack of preventive measures, including legal ones, concerning child prostitution, child pornography, trafficking and sale of children are also of concern.

Paragraph 238

Preventive measures, including legal reform, should be taken to prevent and combat the sexual exploitation of children, including through pornography, prostitution, trafficking and sale.

- Luxembourg, CRC, CRC/C/79 (1998) 38 at paras. 262, 271 and 279.

Paragraph 262

The existence of child prostitution in the State party and the involvement of children in international

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prostitution networks are matters of concern. Of further concern is that it is not illegal for children above 16 to get involved in prostitution.

Paragraph 271

All appropriate legal and other measures should be taken in order to protect children from being exposed to violence and pornography through video movies and other modern technologies, including the Internet. Efforts should be pursued to adopt legislation to effectively prohibit the possession of pornographic material involving children. Bilateral cooperation with neighbouring countries should be engaged to this effect.

Paragraph 279

Legislation, policies and programmes should be reinforced to prevent and combat all forms of sexual exploitation and abuse, including child prostitution, child pornography and trafficking in children. In this regard, a comprehensive national plan of action should be established and the recommendations of the 1996 Stockholm Congress against Commercial Sexual Exploitation of Children should be implemented.

- Iraq, CRC, CRC/C/80 (1998) 15 at para. 78.

Studies should be undertaken on ill-treatment and abuse, including sexual abuse, and adequate measures and policies should be adopted with a view to changing traditional attitudes. Cases of abuse and ill-treatment of children, including sexual abuse within the family, should be properly investigated, sanctions should be applied to perpetrators and publicity given to decisions taken in such cases, and due regard should be given to protecting the right to privacy of the child. Further measures should be taken with a view to ensuring the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation.

- Bolivia, CRC, CRC/C/80 (1998) 22 at para. 116.

Studies should be undertaken with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to combat the sexual exploitation of children. The legislative framework should be reinforced in order to protect children fully from all forms of sexual abuse or exploitation, including within the family. The recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children should continue to be implemented.

See also:

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- Ecuador, CRC, CRC/C/80 (1998) 9 at para. 54.
 - Yemen, CRC, CRC/C/84 (1999) 33 at para. 183.
 - Benin, CRC, CRC/C/87 (1999) 35 at para. 163.
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- Austria, CRC, CRC/C/84 (1999) 7 at para. 46.

All appropriate measures should be taken to ensure that the age of sexual consent does not conflict with the right of all children to be fully protected from exploitation. In this regard, consideration should be given to the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

- Belize, CRC, CRC/C/84 (1999) 12 at para. 81.

The lack of awareness and information on domestic violence, ill-treatment and abuse of children, including sexual abuse, and the lack of appropriate financial and human resources remain matters of grave concern. Of particular concern is that domestic legislation on sexual abuse does not include protective measures for boys. Studies on domestic violence, ill-treatment and sexual abuse should be undertaken in order to adopt adequate measures and policies and help change traditional attitudes. Cases of domestic violence, ill-treatment and sexual abuse of children should be properly investigated within a child-friendly judicial procedure, sanctions applied to perpetrators and publicity given to decisions taken in such cases, with due regard for the right to privacy of the child. Measures should also be taken to ensure the physical and psychological recovery and social reintegration of victims. The proposal to introduce legislation making the reporting of child abuse mandatory and the undertaking of legal reform to ensure that boys are protected should be implemented. Technical assistance should be sought from UNICEF.

- Guinea, CRC, CRC/C/84 (1999) 21 at para. 125.

The increasing phenomenon of trafficking and sale of children into neighbouring countries for work or prostitution and the insufficient measures to prevent and combat this phenomenon are matters of concern. The legal framework should be reviewed, law enforcement reinforced, and efforts strengthened to raise awareness in communities, in particular in rural areas. Cooperation with neighbouring countries through bilateral agreements to this effect to prevent cross-border trafficking is strongly encouraged.

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- Sweden, CRC, CRC/C/84 (1999) 29 at para. 149.

Efforts should be continued and increased to ensure better protection for children up to the age of 18 from sexual exploitation.

- Barbados, CRC, CRC/C/87 (1999) 9 at paras. 44 and 53.

Paragraph 44

The Sexual Offences Act, 1992, offers no special protection to children over the age of 16 and only limited protection to those between 14 and 16 years of age. Children over 16 years of age also appear to receive limited protection in legislation regulating the prevention of cruelty to children. Legislation should be reviewed so as to increase the level of protection accorded to all children.

Paragraph 53

Existing legislation is still not sufficient to provide strong protection against child abuse, including sexual abuse. The Sexual Offences Act, 1992 provides very harsh sentences for only one specific form of sexual abuse of children under 14 and there are considerable difficulties in applying this legislation, in particular when a parent is reluctant to testify or allow the abused child to testify. The Domestic Violence (Protection Orders) Act, 1992, although showing progress in removing police discretion in the referral to court of cases of domestic violence, still fails to ensure a sufficient level of protection for children in cases of domestic violence. There is a need to ensure full protection from all forms of abuse, which requires legislative measures guaranteeing that child maltreatment will not be tolerated. The impact of current measures and policies should be reassessed. Projects and programmes should be developed and systematically implemented to address the need for: prevention of child abuse; protection from abuse, including procedures to protect children from possible further victimization by the legal system; provision of rehabilitation services; and to this effect, awareness-raising campaigns should be carried out and existing legislation should be reviewed.

- Honduras, CRC, CRC/C/87 (1999) 26 at para. 120.

All appropriate measures, including setting up multidisciplinary programmes and rehabilitation measures, should be taken to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. Law enforcement should be strengthened with respect to such crimes and adequate procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and to avoid impunity for the offenders. Educational programmes should be established to combat traditional attitudes within society regarding this issue. In this regard, the State party is encouraged to seek international cooperation from UNICEF and international non-governmental organizations.

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- Chad, CRC, CRC/C/87 (1999) 45 at para. 189.

The insufficient awareness and lack of information on ill-treatment and abuse, including sexual abuse, both within and outside the family, especially in schools and other institutions, is of concern. The insufficient legal protection measures, resources and trained personnel to prevent and combat such abuse and the lack of rehabilitation measures for the physical and psychological recovery of abused children are also matters of concern. All appropriate measures should be taken, including adoption of the proposed legislation, to prevent and combat ill-treatment of children, including domestic violence and sexual abuse. Law enforcement should be strengthened with respect to such crimes and adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as special rules of evidence and special investigators or community focal points.

- Venezuela, CRC, CRC/C/90 (1999) 10 at para. 59.

The State party should design and implement the appropriate policies and measures to prevent and combat the sexual commercial exploitation and abuse of children. The recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children should be taken into account.

- Russian Federation, CRC, CRC/C/90 (1999) 18 at paras. 68, 85, 121, 125 and 126.

Paragraph 68

All appropriate measures should be taken to expedite the process of law reform, especially with regard to reforms improving upon the administration of juvenile justice and the criminal justice procedure, the protection of the rights of children with disabilities, the protection of children from alcohol, drug and substance abuse, the protection of children from pornography, the protection of children from all kinds of violence and abuse, including domestic violence, and the establishment of standards and monitoring mechanisms with regard to all the different child-related kinds of institutions.

Paragraph 85

The disadvantaged situation of girls in rural areas, particularly with regard to access to education, health and protection from sexual abuse and exploitation, is of concern.

Paragraph 121

Specific attention should be given to monitoring the full implementation of labour laws, in particular in the “informal” sector, to protect children from being economically and sexually exploited, including

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through prostitution. Research on the issue of children living and/or working in the street should be undertaken with a view to improving policies, practices and programmes concerning these children.

Paragraph 125

Legislation, policies and programmes to protect children from commercial sexual exploitation, abuse and pornography are insufficient.

Paragraph 126

A comprehensive study should be undertaken on commercial sexual exploitation and abuse and the use of children in pornography and on additional legislative measures. Services should be expanded to enhance the protection of children from sexual exploitation and abuse, and to ensure the treatment and rehabilitation of child victims. Furthermore, in an effort to address the issue of commercial sexual exploitation, the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Exploitation of Children, held in Stockholm in 1996 should be taken into account.

- Vanuatu, CRC, CRC/C/90 (1999) 29 at para. 152.

The lack of data, appropriate measures, mechanisms and resources to prevent and combat domestic violence, including child sexual abuse, are matters of grave concern. Studies should be undertaken on domestic violence, ill-treatment and abuse, including sexual abuse, in order to understand the scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes. Cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, should be properly investigated within a child-friendly judicial procedure, sanctions should be applied to perpetrators, and due regard should be given to protecting privacy rights of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, and the prevention of criminalization and stigmatization of victims. In this connection, technical assistance should be sought from UNICEF and WHO.

- Mexico, CRC, CRC/C/90 (1999) 34 at paras. 184 and 190.

Paragraph 184

Physical and sexual abuse - within and outside the family - is a serious problem in the State party. Effective measures, including setting up multidisciplinary treatment and rehabilitation programmes, should be taken to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. Law enforcement should be strengthened with respect to such crimes,

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adequate procedures and mechanisms to deal effectively with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and the use of corporal punishment at home, in schools and other institutions, should be explicitly prohibited by law. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue.

Paragraph 190

A study on the issue of commercial sexual exploitation of children with a view to designing and implementing appropriate policies and measures, including care and rehabilitation should be conducted; and legislation, including punishment against perpetrators should be reinforced; and awareness raising campaigns should be conducted on this issue.

See also:

- Nicaragua, CRC, CRC/C/87 (1999) 54 at para. 246.

- The Netherlands, CRC, CRC/C/90 (1999) 53 at paras. 258 and 259.

Paragraph 258

The balance sought between protecting children against sexual abuse and protecting their sexual freedom may still unduly limit protection from abuse and is of concern. Efforts to increase the protection of children against exploitation in the production of pornography have not made further progress and this also remains of concern. Legislation and policies should continue to be reviewed so as to modify the “complaint requirement” for prosecution of sexual offences committed against children over 12. Legislation should be changed with a view to improving the protection of all children from inducement to participate in the production of pornographic shows or materials, and from other forms of commercial sexual exploitation. The “dual criminality” requirement in legislation establishing extraterritorial jurisdiction for cases of sexual abuse of children should be considered for review.

Paragraph 259

Prompt and serious attention should be given to the need to ensure that children are not used as prostitutes and that asylum-seeking procedures, while fully respecting the rights of unaccompanied minor asylum-seekers, effectively protect children from involvement in trafficking for sexual exploitation. Furthermore, a comprehensive national plan of action to prevent and combat commercial sexual exploitation of children should be adopted, taking into account the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress Against Commercial Sexual Exploitation of Children.

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- India, CRC, CRC/C/94 (2000) 10 at paras. 41 and 106-109.

Paragraph 41

The existence of traditional customs (i.e. the caste system) and societal attitudes (e.g. towards tribal groups) is an obstacle to efforts to combat discrimination, and compounds, *inter alia*, poverty, illiteracy, child labour, child sexual exploitation and children living and/or working on the streets.

Paragraph 106

Concern is expressed about the sexual abuse and exploitation of children, especially those belonging to the lower castes and from poor urban and rural areas, in the contexts of: religious and traditional culture; child domestic workers; children living and/or working on the streets; communal violence and ethnic conflict; abuse by the security forces in areas of conflict; and trafficking and commercial exploitation.

Paragraph 107

The State party should criminalize the sexual exploitation of children and penalize all the offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized. While noting that *Devadasi*, or ritual prostitution, is prohibited under the law, it is recommended that the State party take all necessary measures to eradicate this practice. In order to combat trafficking in children, including for commercial sexual purposes, the Penal Code should contain provisions against kidnapping and abduction. The State party should ensure that laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement.

Paragraph 108

Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation.

Paragraph 109

The State party should continue its efforts to carry out extensive campaigns to combat harmful traditional practices, such as child marriages and ritual prostitution; and inform, sensitize and mobilize the general public on the child's right to physical and mental integrity, and safety from sexual exploitation.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 200-203.

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Paragraph 200

The Committee is concerned that provisions in national domestic legislation providing protection to children from sexual exploitation and abuse only offer such protection to children up to the age of 14.

Paragraph 201

Domestic legislation should be reviewed in order to raise the age levels of such protection, and to ensure that boys benefit from the same protection as girls.

Paragraph 202

Deep concern is expressed about the many incidents of sexual exploitation and abuse of children, particularly in the context of the conscription or abduction of children by armed persons and in the context of attacks on civilian populations by armed persons. Concern is also expressed at reports of commercial sexual exploitation and of widespread sexual abuse of girls within the family, within internally displaced person camps and within communities.

Paragraph 203

The State party is urged to include studies of incidents of sexual abuse in the context of the armed conflict among the issues to be discussed by the truth and reconciliation commission. The State party should initiate information campaigns alerting the public to the risks of sexual abuse within the family and within communities. In addition, the State party is urged to provide the necessary psychological and material assistance to the victims of such exploitation and abuse and to assure their protection from any possible social stigmatization.

- Armenia, CRC, CRC/C/94 (2000) 53 at para. 349.

A national study should be undertaken on the nature and extent of sexual abuse and sexual exploitation of children, and disaggregated data should be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The State party should review its legislation and ensure that it criminalizes the sexual abuse and exploitation of children and penalizes all offenders, whether local or foreign, while ensuring that the child victims of these practices are not penalized. It is recommended that the State party ensure that domestic laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation. There is a need for trained personnel.

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The State party should carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and safety from sexual exploitation. Bilateral and regional cooperation should be reinforced, involving cooperation with neighbouring countries.

See also:

- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 207 and 208.
 - Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 326 and 327.
 - Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 317 and 318.
 - Slovakia, CRC, CRC/C/100 (2000) 100 at paras. 592 and 593.
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- Peru, CRC, CRC/C/94 (2000) 64 at para. 380.

With regard to the sexual exploitation of children, while noting with appreciation the reforms to the State party's Children and Adolescents Code, Penal Code and Penal Procedures Code, as well as other measures in this area, concerns remain about the absence of a national plan of action to combat and prevent sexual exploitation of children. The limited awareness among the population on sexual exploitation and abuse and on the available measures to identify and report cases of abuse is also a matter of concern. In light of article 34 and other related articles of the Convention, a national study should be conducted on the issue of commercial sexual exploitation of children as a basis to design and implement a comprehensive national plan of action to prevent and combat this phenomenon, and continue conducting awareness-raising campaigns on this issue. The State party should take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

- Grenada, CRC, CRC/C/94 (2000) 72 at para. 397.

Concern is expressed that the Criminal Code does not provide boys the same legal protection against sexual abuse and exploitation as girls. In this regard, it is noted that the Code refers to the protection of the "female child" only. Domestic legislation should be amended to ensure that boys are provided equal and adequate protection against sexual abuse and exploitation.

- Georgia, CRC, CRC/C/97 (2000) 18 at para. 131.

The State party should undertake a study on refugee, asylum-seeking and unaccompanied children to ascertain the extent to which they are victims of torture or other cruel, inhuman or degrading

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treatment and punishment; economic exploitation, including forced labour; commercial sexual exploitation; sale, trafficking and abduction; and abandonment, abuse and neglect.

- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 393 and 394.

Paragraph 393

The enactment of special legislation to combat sexual exploitation is welcomed as is the adoption of a five-year Plan of Action against Sexual Exploitation of Children (2000-2004). Concern is expressed at the widespread phenomena of child prostitution and the sale and trafficking of children; the inadequate enforcement of the new legislation on these issues; and the shortage of trained people and institutions to provide rehabilitation to the victims.

Paragraph 394

It is recommended that the State party review its legislation to combat sexual exploitation with a view to reinforcing it, and in the meantime to enforce fully its current legislation against sexual exploitation; that the Plan of Action be fully implemented; that sufficient resources, both human and financial, be allocated for the implementation of the Plan; that social services for the rehabilitation of child victims of sexual exploitation be strengthened and expanded; that violators be prosecuted; and that bilateral cooperation, especially with neighbouring countries, be strengthened and border controls increased.

- Malta, CRC, CRC/C/97 (2000) 75 at paras. 444 and 445.

Paragraph 444

The insufficient data and awareness of the phenomenon of commercial sexual exploitation of children in the State party and the absence of a comprehensive and integrated approach to preventing and combatting this phenomenon are matters of concern.

Paragraph 445

In light of article 34 and other related articles of the Convention, a national study should be undertaken on the nature and extent of commercial sexual exploitation of children with a view to designing policies and programmes, including for care and rehabilitation, to prevent and combat this phenomenon. The State party should take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

See also:

- Costa Rica, CRC, CRC/C/94 (2000) 37 at para. 236.

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- South Africa, CRC, CRC/C/94 (2000) 81 at para. 452.
- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 142 and 143.

- Djibouti, CRC, CRC/C/97 (2000) 96 at paras. 554 and 555.

Paragraph 554

The exposure of older children in the State party, particularly those living on the street or working in port areas and along truck routes, to sexual exploitation and to sexually transmitted diseases, including the risk of HIV infection, is of concern.

Paragraph 555

The State party is urged to address the sexual and reproductive health-care needs of older children, including those married at a young age and those in vulnerable situations. The State party should provide access to information about sexual and reproductive health. Services in this area should be user friendly and address the concerns and need for confidentiality of adolescents.

- Finland, CRC, CRC/C/100 (2000) 8 at paras. 81 and 82.

Paragraph 81

The phenomenon of Finnish child sex tourists travelling to the nearby countries of the former Soviet Union seeking child prostitutes is noted with deep concern.

Paragraph 82

The State party is urged to undertake adequate measures to combat this phenomenon and to pursue international cooperation for the investigation and the prosecution of cases of sexual abuse and exploitation of children by Finnish citizens abroad.

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 160 and 161.

Paragraph 160

Concern is expressed that children have been the victims of sexual exploitation, sometimes by those persons who are responsible for their care.

Paragraph 161

Every effort should be made to end and prevent the sexual exploitation or abuse of children, giving particular attention to children living in camps. In particular, a multidisciplinary plan of action should

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be developed and implemented to address the sexual exploitation of children. The State party is encouraged to address commercial sexual exploitation and to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Exploitation of Children, held in Stockholm in 1996. Ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography should be considered.

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 233 and 234.

Paragraph 233

Insufficient efforts have been made to ensure the full implementation of article 2 of the Convention and discrimination based on gender, sexual orientation and birth status remains apparent in some of the Overseas Territories. In this regard, legislation relating to these issues, particularly with respect to sexual abuse and exploitation, as well as the legal minimum age for sexual consent, refers only to girls and does not provide equal and adequate protection for boys.

Paragraph 234

Domestic legislation in the Overseas Territories should be reviewed to ensure full compliance with article 2 of the Convention and to prevent and combat discrimination, especially as regards gender, sexual orientation and birth status. In particular, the Territories should amend their legislation to ensure that boys are provided equal and adequate protection against sexual abuse and exploitation.

- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 389 and 390.

Paragraph 389

The revisions to the State party's Penal Code and the establishment of a national plan of action to combat and prevent the sexual exploitation of children is noted with appreciation. Concerns remain about the insufficient awareness among the population of these issues.

Paragraph 390

In the light of article 34 and other related articles of the Convention, it is recommended that the State party fully implement its national plan of action to prevent and combat this phenomenon and that it continue conducting awareness raising campaigns on this issue. The State party should take into account the recommendations formulated in the Agenda for Action adopted at the World Congress

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against Commercial Sexual Exploitation of Children, held in Stockholm in 1996. Furthermore, the State party is encouraged to ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 481 and 482.

Paragraph 481

That children may be at risk of being sold or made to engage in prostitution is of concern.

Paragraph 482

The State party should monitor and address any incidents involving the sale or prostitution of children and consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 541 and 542.

Paragraph 541

The establishment of a task force on prostitution and the preparation of legislation in this area is noted. The vulnerability of young girls to sexual exploitation and abuse is noted with concern.

Paragraph 542

The State party should expedite the adoption of the legislation on prostitution and undertake a study on this issue in order to understand its scope and causes, to enable effective monitoring of the problem and to develop all necessary measures and programmes to prevent and combat sexual exploitation and abuse of children taking into account the Agenda for Action of the Stockholm World Congress against Commercial Sexual Exploitation of Children. The State party is invited to consider ratifying the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.

- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 647 and 648.

Paragraph 647

It is of concern that as a result of the current socio-economic crisis in the State party, it is very likely that children may start to become victims of sexual exploitation, sale and pornography.

Paragraph 648

All available measures should be taken, including legal ones, for the prevention and combat of this

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phenomenon. It is recommended that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996. In this regard, the State party is encouraged to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 74 and 75.

Paragraph 74

It is of concern that prostitution is rapidly spreading among minors and that the only rehabilitation programmes available are short term.

Paragraph 75

The State party should implement the National Programme for the Prevention of Sexual Violence for 2000-2004, in particular its rehabilitation and reintegration aspects. A study of commercial sexual exploitation and abuse of children should be undertaken in order to understand its scope and causes and to develop programmes for monitoring the problem and to prevent and combat it, taking into account the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children. In particular, the State party is encouraged to prevent the criminalization and stigmatization of the victims.

- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 188, 189 and 194.

Paragraph 188

Reports of sexual exploitation, prostitution, rape and other sexual abuse of children are of concern.

Paragraph 189

The State party is urged to address practices of sexual exploitation, rape and other sexual abuse of children through, *inter alia*, the provision of care to and the rehabilitation and social reintegration of victims, the enforcement of criminal law, the prosecution of perpetrators of these acts and increased monitoring and reporting of such incidents. Grassroots awareness campaigns on sexual exploitation and other sexual abuse of children should be undertaken, including the translation of relevant terms into local languages.

Paragraph 194

The State party should consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

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See also:

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at para. 266.
 - Egypt, CRC, CRC/C/103 (2001) 36 at para. 250.
 - Lithuania, CRC, CRC/C/103 (2001) 47 at para. 309.
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- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 304 and 305.

Paragraph 304

The National Programme against the Commercial Sexual Exploitation and Sexual Abuse of Children of 2000 is noted. Deep concern is expressed at the lack of data, consistent policies, rehabilitation and reintegration programmes, and about the reports of disappearances of minors, in particular girls, allegedly for trafficking purposes. It is noted that procurement for the purpose of prostitution is punished only in cases involving girls and that some legal provisions result in the administrative punishment of children involved in commercial sexual exploitation.

Paragraph 305

The State party should fully implement the National Programme against the Commercial Sexual Exploitation and Sexual Abuse of Children of 2000, in particular its rehabilitation and reintegration aspects. Further, the State party is encouraged to abolish every legal provision that results in administrative or other punishment of the victims of commercial sexual exploitation and to prevent other forms of stigmatization of the victims, and to penalize procurement for the purposes of prostitution involving all children, boys as well as girls.

- Palau, CRC, CRC/C/103 (2001) 79 at paras. 476 and 477.

Paragraph 476

The inadequate legal protection of children, particularly boys, against commercial sexual exploitation, including prostitution and pornography is of concern. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

Paragraph 477

In the light of article 34 and other related articles of the Convention, all appropriate measures should be taken to ensure adequate legal protection of children, including boys, against commercial sexual exploitation and pornography. The State party should undertake all appropriate measures to ensure

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the non-stigmatization and non-criminalization of child victims of sexual abuse and exploitation. Additionally, studies should be undertaken with a view to understanding the scope of the problem and appropriate policies and measures should be implemented, including the physical and psychological recovery and social reintegration of child victims. The State party should take into account the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children. The age for protection against commercial sexual exploitation should be raised to 18 years.

- Denmark, CRC, CRC/C/108 (2001) 10 at paras. 74 and 75.

Paragraph 74

Concern is expressed about the lack of awareness about child abuse and exploitation and the inadequate efforts to address child pornography. The need for training for professionals working with and for child victims of abuse is noted, including police officers, lawyers and social workers.

Paragraph 75

In light of article 34 and other related articles of the Convention, it is recommended that the State party reinforce its efforts to strengthen current policies and measures, including care and rehabilitation, to prevent and combat these phenomena. All appropriate measures should be taken to introduce and/or reinforce training for professionals working with and for child victims of abuse and exploitation.

- Turkey, CRC, CRC/C/108 (2001) 18 at para. 142.

The state party should continue to undertake measures to prevent and combat all forms of economic exploitation of children, including commercial sexual exploitation.

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 217 and 218.

Paragraph 217

The trading, trafficking, kidnapping and use for pornography of young girls and boys within the State party, or from the State party to another country, and the fact that domestic legislation does not sufficiently protect children from trafficking, are matters of deep concern.

Paragraph 218

Urgent measures should be taken to end the sale, trafficking and sexual exploitation of children through the adoption and implementation of appropriate legislation and the use of the criminal justice

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process to sanction those persons responsible for such practices. The police force and border officials should receive special training to help in combatting the sale, trafficking and sexual exploitation of children, and programmes should be established to provide assistance, including health care and rehabilitative and social reintegration assistance, to the child victims of sexual exploitation. It is further recommended that the age for protection against commercial sexual exploitation be raised to 18 years, and that technical assistance be sought from UNICEF in this regard.

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 263, 264 and 279-281.

Paragraph 263

Concern is expressed about the lack of data and appropriate measures, mechanisms and resources to prevent and combat domestic violence, including child physical and sexual abuse and neglect, and at the limited number of services for abused children, in particular in rural areas.

Paragraph 264

In light of article 19 of the Convention, the State party should undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, in order to understand the extent, scope and nature of these practices, adopt and effectively implement adequate measures and policies, and encourage changes in attitudes. It is also recommended that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy. Measures should also be taken to provide support services to children in legal proceedings, and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence. It is recommended that the State party seek, in this regard, international cooperation and technical assistance from, among others, UNICEF and WHO.

Paragraph 279

While noting that the National Plan against Sexual and Commercial Exploitation is in the final stages of elaboration, deep concern is expressed that, with regard to the increasing phenomenon of commercial sexual exploitation of children, in particular girls, there is no data available, legislation is inadequate, cases involving sexually exploited children are often not investigated and prosecuted, and no rehabilitation programmes are available.

Paragraph 280

In light of article 34 of the Convention and in line with the recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography (see E/CN.4/2000/73/Add.2), the State party should expedite the adoption of the National Plan against Sexual and Commercial Exploitation, taking into account the Agenda for Action adopted at the

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World Congress against Commercial Sexual Exploitation of Children, and undertake a study on this issue in order to understand its scope and causes, to enable effective monitoring of the problem and to develop the necessary measures and programmes to prevent, combat and eliminate it. The Committee invites the State party to seek international cooperation in this regard.

Paragraph 281

Serious concern is expressed at allegations of rape, ill-treatment and torture, including murder for the purpose of “social cleansing”, of children living in the streets.

See also:

- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 142 and 143.
 - Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 389 and 390.
 - Niger, CRC, CRC/C/15/Add.179 (2002) at paras. 68 and 69.
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- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 414 and 415.

Paragraph 414

Concern is expressed about the large and increasing number of child victims of commercial sexual exploitation and sex tourism, including prostitution and pornography. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

Paragraph 415

In light of article 34 and other related articles of the Convention, studies should be undertaken with a view to understanding the scope of commercial sexual exploitation and sex tourism, including prostitution and pornography, and implementing appropriate preventive policies and rehabilitative and social reintegration programmes for child victims. The State party should take into account the recommendations formulated in the Agenda for Action adopted at the 1996 World Congress against Commercial Sexual Exploitation of Children held in Stockholm.

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 482 and 483.

Paragraph 482

The insufficient data on and awareness of the phenomenon of sexual exploitation of children in Bhutan is a matter of concern.

Paragraph 483

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The State party should undertake a national study on the nature and extent of sexual exploitation of children (i.e. sale of children, child prostitution and child pornography), and compile and keep up to date disaggregated data to serve as a basis for designing measures and evaluating progress in this area. It should be ensured that the sexual exploitation of children is criminalized, is gender neutral and penalizes all offenders involved, whether local or foreign, while ensuring that the child victims are not penalized. The State party should also ensure that legal procedures are simplified so that responses are appropriate, timely, and sensitive to victims. Rehabilitation and social reintegration programmes should be established for child victims and personnel working with child victims should be trained. Finally, the State party should carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and safety from sexual exploitation.