

TRAFFICKING IN PERSONS AND SEXUAL EXPLOITATION - TRAFFICKING IN PERSONS

III. CONCLUDING OBSERVATIONS

CERD

- Italy, CERD, A/56/18 (2001) 53 at paras. 307 and 316.

Paragraph 307

The imminent adoption of the draft law on “Measures against trafficking in persons” that has already been adopted by one chamber of the legislature is welcomed.

Paragraph 316

The State party should intensify its efforts and its cooperation with other countries, including the countries of origin, in order to reduce illegal immigration, criminal trafficking and commercial exploitation of human beings. Noting that foreign employees regularly resident in the territory are guaranteed equality of treatment with Italian employees while irregular workers, who make up 30 per cent of the entire non-European Union labour force (and even up to 50 per cent in northern Italy), are subjected to different forms of exploitation, the State party should take all necessary measures to put an end to those illegal practices.

ICCPR

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

Paragraph 321

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 are of particular concern. 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 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 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

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proceedings.

- Finland, ICCPR, A/53/40 vol. I (1998) 40 at para. 257.

New measures to combat trafficking in women and children are noted with satisfaction.

- 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.

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

Street children are at the 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.

- 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 should be provided for the victims. The victims should be protected and supported by laws and policies of the State party.

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

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

- Kyrgyzstan, ICCPR, A/55/40 vol. I (2000) 57 at paras. 403, 404, 412 and 413.

Paragraph 403

Grave concern is expressed over the occurrence of violence against women and the increasing phenomenon of trafficking in women, which is aggravated by the economic hardship facing women in Kyrgyzstan (arts. 3, 7, 8).

Paragraph 404

The State party should ensure that existing laws relating to violence against women and trafficking are vigorously enforced; adopt effective measures to protect women; provide victims of violence and abuse with a measure of compensation and rehabilitation; and combat trafficking in all appropriate ways, including the prosecution and punishment of those responsible. Specific legislation on the prohibition and punishment of domestic violence and trafficking in women should be enacted.

Paragraph 412

The continued existence of child labour, the problem of mistreatment of children in some educational institutions, cruel punishment, and the phenomenon of trafficking in children are of concern.

Paragraph 413

The State party must urgently address the issues described above so as to ensure the special protection to which children are entitled under article 24 of the Covenant.

- 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.

- Argentina, ICCPR, A/56/40 vol. I (2001) 38 at para. 74(5).

Recent developments in which some of those responsible for the most serious violations of human rights, including forced disappearances, torture and removal of children from their parents for purposes of illegal adoption or trafficking, are being brought to trial, are welcomed. The establishment of a mechanism, without time restriction on its activities, to restore the identities of

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children who were forcibly removed from their families is particularly welcomed.

- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at paras. 77(16) and 77(24).

Paragraph 77(16)

The information on trafficking in women to Venezuela, especially from neighbouring countries, and the lack of information from the delegation on the extent of the problem and action to combat it, are of deep concern. Preventive measures should be taken to eliminate the trafficking in women in order to comply with the provisions of articles 7 and 8 of the Covenant and rehabilitation programmes should be set up for the victims. The laws and policies of the State party should provide protection and support for the victims.

Paragraph 77(24)

The continually worsening situation of street children is deplored. Those children are at high risk of sexual violence and are vulnerable to sexual trafficking. The State party should take effective measures for the protection and rehabilitation of street children, pursuant to article 24 of the Covenant, including measures to end sexual exploitation and child pornography.

- Czech Republic, ICCPR, A/56/40 vol. I (2001) 83 at para. 83(13).

The reports of trafficking of women, with the State party being a country of origin and transit as well as a recipient country are of deep concern (arts. 3, 8). Resolute measures should be taken to combat this practice, which constitutes a violation of several Covenant rights, including article 3 and the right under article 8 to be free from slavery and servitude. The State party should also strengthen programmes aimed at providing assistance to women in difficult circumstances, particularly those coming from other countries who are brought into its territory 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 give evidence against the person responsible in criminal or civil proceedings.

- Guatemala, ICCPR, A/56/40 vol. I (2001) 93 at paras. 85(15) and 85(26).

Paragraph 85(15)

The information received on the traffic in children separated from their parents, a situation which has still not yet been clarified, is also of concern. The State party should conduct investigations to identify those responsible for the traffic in children and bring them to justice. It should take the

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necessary measures to prevent the occurrence of such violations of articles 6, 7 and 24 of the Covenant.

Paragraph 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.

- Democratic People's Republic of Korea, ICCPR, A/56/40 vol. I (2001) 98 at para. 86(26).

While noting the delegation's statement that trafficking of women does not exist in the State party, serious concern remains about the number of substantiated allegations about trafficking of women, in violation of article 8 of the Covenant, brought to the attention of the Committee by non-governmental and other sources, including the report of the Special Rapporteur on Violence against Women of the Commission on Human Rights. The State party should investigate the above allegations in a spirit of cooperation.

ICESCR

- Poland, ICESCR, E/1999/22 (1998) 32 at para. 151.

The rising incidence of domestic violence and of trafficking of young women are matters of concern. The absence of specific regulations on sexual harassment of women, the lack of shelters for the women and children who are victims of family violence in 33 per cent of voivodships, and the apparent lack of counselling facilities for such victims are noted.

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

Paragraph 319

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

Paragraph 331

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

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- Italy, ICESCR, E/2001/22 (2000) 34 at paras. 109, 121 and 134.

Paragraph 109

The adoption of the immigration bill of 1998 is welcomed, as it grants one-year residence/work permits to women who have been the victims of trafficking and who denounce their exploiters, and criminalizes trafficking of migrants under the Penal Code.

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. 415 and 424.

Paragraph 415

Concern is expressed about the increase of trafficking in women which is linked to organized crime.

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.

- Yugoslavia (preliminary), ICESCR, E/2001/22 (2000) 80 at para. 507.

The State party is encouraged to introduce specific measures which address the serious problem of the trafficking of women in the Federal Republic of Yugoslavia.

- 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

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the inability of the State party to address these issues.

- 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 paras. 313 and 317.

Paragraph 313

The efforts undertaken by the Government to address the problems of trafficking in children and female genital mutilation by, *inter alia*, organizing awareness campaigns and workshops, are acknowledged.

Paragraph 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.

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

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regional organizations, as well as on a bilateral basis.

- Nepal, ICESCR, E/2002/22 (2001) 83 at paras. 524, 534, 551, 559 and 561.

Paragraph 524

The adoption of the anti-trafficking act to combat trafficking in women and children and the implementation of measures at the national and regional levels for this purpose are noted with satisfaction.

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.

Paragraph 561

The State party should enforce its legislation in an effective way and establish administrative mechanisms and monitoring systems to prevent and combat trafficking in women and children. Further, the strengthening of measures to allow the return, rehabilitation and reintegration into society of trafficked women is recommended.

- Germany, ICESCR, E/2002/22 (2001) 97 at paras. 667 and 685.

Paragraph 667

It is of concern that the victims of trafficking in persons, and in particular women, are doubly victimized, owing to a lack of sensitization of police, judges and public prosecutors, a lack of appropriate care for victims, and the risks and dangers awaiting them upon deportation to their home countries.

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Paragraph 685

Training programmes should be undertaken for those dealing with victims of trafficking in persons to ensure that they are sensitized to the needs of the victims, to provide better protection and appropriate care, and to ensure that victims can claim redress before courts of law.

CEDAW

- 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.

- 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.

- Bangladesh, CEDAW, A/52/38/Rev.1 part II (1997) 117 at para. 459.

The enforcement of the Women and Child Repression Act 1995 should be strengthened, and adequate assistance should be provided to women and girl victims of trafficking in order to respond to the problem of trafficking of women and girls. The regional resolution on trafficking agreed to by the South Asian Association for Regional Cooperation in Maldives should be sustained and concretized into actual programmes.

- Azerbaijan, CEDAW, A/53/38/Rev.1 part I (1998) 7 at paras. 74 and 75.

Paragraph 74

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Legislation relating to the exploitation and trafficking of women should be reviewed so as to eliminate the discriminatory content of such legislation.

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.

- 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.

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

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The State party is urged to pursue bilateral agreements and to cooperate in multilateral efforts to reduce and eradicate traffic in women, 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.

- Slovakia, CEDAW, A/53/38/Rev.1 part II (1998) 55 at paras. 81 and 82.

Paragraph 81

Concern is expressed over the fact that information has not been provided or compiled on the actual situation regarding trafficking in women. Trafficking is an international crime and therefore not only concerns women trafficked out of Slovakia, but also those being trafficked into Slovakia from neighbouring countries.

Paragraph 82

Particular attention should be paid to safeguarding the human rights of women and all necessary measures should be taken to monitor and eradicate trafficking in women in Slovakia, including the sensitization of police, border officials and non-governmental organizations working in that area. Cooperative efforts with border States to eliminate trafficking across national borders should be continued.

- Kyrgyzstan, CEDAW, A/54/38/Rev.1 part I (1999) 15 at para. 130.

Increased efforts in cooperation with other countries should be taken to arrest and punish perpetrators of trafficking. Domestic measures should also be launched to combat the negative effects of structural adjustment programmes on women and to provide job opportunities and training to vulnerable women.

- Greece, CEDAW, A/54/38/Rev.1 part I (1999) 20 at para. 198.

Compliance with the regulations governing prostitution should be monitored effectively and adequate measures to address trafficking in women should be introduced.

- Colombia, CEDAW, A/54/38/Rev.1 part I (1999) 33 at para. 378.

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It is recommended that the Interinstitutional Committee that has taken various measures to prevent and punish traffic in women organize a more energetic and effective work strategy in order to deal with this serious phenomenon.

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

The Government 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 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.

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- Germany, CEDAW, A/55/38 part I (2000) 29 at paras. 321 and 322.

Paragraph 321

Concern is expressed at the incidence of trafficking in women and girls.

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 also increase efforts of cross-border and international cooperation, especially with countries of origin and transit, to reduce the incidence of trafficking and to prosecute traffickers. The Government is called upon to ensure that trafficked women have the support that they need so that they can provide testimony against their traffickers. The training of border police and law enforcement officials should provide them with the requisite skills to recognize and provide support to victims of trafficking. Furthermore, 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.

- Belarus, CEDAW, A/55/38 part I (2000) 34 at paras. 349, 371 and 372.

Paragraph 349

The Government is commended for recognizing trafficking in women as an emerging problem, requiring sustained attention.

Paragraph 371

Concern is expressed about the increasing trend in trafficking for purposes of prostitution of Belarusian women, often under false pretences.

Paragraph 372

The Government is encouraged to increase its efforts, including through international and cross-border cooperation with recipient and transit countries, to prevent trafficking in women, attack its root causes through poverty alleviation and assist its victims through efforts of counselling and reintegration.

- Luxembourg, CEDAW, A/55/38 part I (2000) 38 at para. 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

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misdeemeanours committed abroad by citizens of Luxembourg, is welcomed.

- 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

A holistic approach should be implemented to combat trafficking in women for 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, transit and destination of trafficked women and girls, and report on the results of such collaboration. Reintegration programmes should be created for victims of prostitution and trafficking in cooperation with non-governmental organizations.

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- Austria, CEDAW, A/55/38 part II (2000) 70 at paras. 222, 228 and 239.

Paragraph 222

The various measures taken by the Government to combat trafficking in women, including the apprehension, prosecution and punishment of perpetrators, are noted with satisfaction. Efforts to increase international cooperation in order to address this transnational issue are also appreciated.

Paragraph 228

The situation of trafficked women is of concern. The Government should take responsibility in caring for the human rights of all trafficked women and girls. It should also increase its cooperation with countries of origin and other countries of destination so as to prevent trafficking and penalize those who facilitate trafficking.

Paragraph 239

The lack of data disaggregated by sex on the impact of policies and programmes is of concern. The Government should improve the collection of data on criminal proceedings related to violence against women, and to evaluate policy as regards victims of trafficking.

- Romania, CEDAW, A/55/38 part II (2000) 77 at paras. 295, 300, 308 and 309.

Paragraph 295

Appreciation is expressed over efforts to reform the Romanian legislative framework with a view to eliminating remaining legislative gaps and discriminatory provisions and achieving equality between women and men. In particular, the Government's efforts to prepare a law on equal opportunities for women and men, and to seek amendments to the Criminal Code with regard to domestic violence and trafficking in women, are welcomed.

Paragraph 300

The Government is called upon to recognize the urgency of needed legislative and policy changes, and to place the highest priority on the adoption of the proposed legislation on equal opportunities and on domestic violence and trafficking in women.

Paragraph 308

While appreciating the Government's efforts to combat trafficking in women, it is noted with concern that trafficking has expanded in Romania as a country both of origin and of transit.

Paragraph 309

Urgent further steps should be taken to prevent and eliminate trafficking in women, especially through a firm anchoring of this crime in legislation. This should include increased cross-border and

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international cooperation, especially with recipient countries, to eliminate the incidence of trafficking and to prosecute traffickers. The State party should also focus on the causes of trafficking through measures aimed at poverty alleviation and women's economic empowerment. The Government is encouraged to assist victims through counselling and reintegration. Furthermore, the Government should pay due attention to article 6 of the Convention in the ongoing debate about the legislative approach to prostitution.

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at paras. 97 and 98.

Paragraph 97

It is of concern that sufficient efforts have not been made to address the issue of trafficking in women and girls.

Paragraph 98

A comprehensive strategy to combat trafficking in women should be formulated, which should include the prosecution and punishment of offenders and increased international, regional and bilateral cooperation. Measures aimed at improving the economic situation of women should be introduced, so as to reduce their vulnerability to traffickers. Rehabilitation and reintegration measures for women and girls who have been victims of trafficking are also recommended.

- Uzbekistan, CEDAW, A/56/38 part I (2001) 18 at paras. 178 and 179.

Paragraph 178

The efforts made by the Government to address the issue of trafficking in women and girls, which has increased in the region following the opening of the borders, are recognized. That there is still not enough information on the subject nor a comprehensive policy to address the problem, is noted with concern.

Paragraph 179

Comprehensive measures should be developed and introduced in order to address the problem of trafficking in women and girls effectively, including the dimensions of prevention, reintegration and prosecution of those responsible for trafficking.

- 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

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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

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.

- Singapore, CEDAW, A/56/38 part II (2001) 51 at paras. 90 and 91.

Paragraph 90

Considerable concern is expressed about the possible occurrence of crimes in relation to the trafficking of women, taking into account Singapore's geographical situation as a favourable transit point for such trafficking. Weak law enforcement can undermine the Government's efforts to eradicate trafficking.

Paragraph 91

The Government is urged continually to monitor the situation with respect to trafficking and to enforce strictly its criminal law against traffickers.

- The Netherlands, CEDAW, A/56/38 part II (2001) 63 at paras. 198, 211 and 212.

Paragraph 198

The Government is commended on its programme to combat trafficking, in particular the appointment of the National Rapporteur on Traffic of Persons, whose aim is to provide the Government with recommendations on how best to tackle the problem of trafficking, and for its commitment to combat this phenomenon at the level of the European Union.

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Paragraph 211

Concern is expressed about non-European women who have been trafficked, who fear expulsion to their countries of origin and who might lack the effective protection of their Government on their return.

Paragraph 212

The State party is urged to ensure that trafficked women are provided with full protection in their countries of origin, or grant them asylum or refugee status.

- Viet Nam, CEDAW, A/56/38 part II (2001) 68 at paras. 260 and 261.

Paragraph 260

While efforts to address trafficking of women and girls are recognized, concern is expressed that the State party has not ensured collection of sufficient statistical data and information on this issue. Concern is also expressed that the impact of existing legal provisions and other measures on the elimination of trafficking has not been assessed and that law enforcement in the area of trafficking is weak.

Paragraph 261

The State party should collaborate in regional and international strategies to confront trafficking and monitor, and where appropriate apply, the positive experience of other countries in this context. Measures aimed at improving the economic situation of women should be adopted in order to reduce their economic vulnerability to traffickers, and comprehensive rehabilitative programmes should be created for women and girls who have been subject to such trafficking.

- 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, 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

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trafficked women and measures to penalize those who facilitate such trafficking.

CAT

- Georgia, CAT, A/56/44 (2001) 35 at para. 82.

Effective measures should be taken to prosecute and punish violence against women as well as trafficking in women, including adopting appropriate legislation, conducting research and raising awareness of the problem as well as including the issue in the training of law enforcement officials and other relevant professional groups.

- Greece, CAT, A/56/44 (2001) 38 at para. 88.

Steps should be taken to prevent and punish trafficking of women and other forms of violence against women.

CRC

- Sweden, CRC, CRC/C/16 (1993) 16 at para. 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.

- Nicaragua, CRC, CRC/C/43 (1995) 10 at para. 45.

The sufficiency of measures taken in relation to adoption, particularly inter-country adoption, and with respect to combatting trafficking in children, remains of concern.

- Ukraine, CRC, CRC/C/46 (1995) 11 at paras. 57 and 74.

Paragraph 57

The high rate of abandonment of children, especially new-born babies, and the lack of a

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comprehensive strategy to assist vulnerable families are matters of concern. This situation can lead to illegal intercountry adoption or other forms of trafficking and sale of children. In this context, the absence of any law prohibiting the sale and trafficking of children, and the fact that the right of the child to have his/her identity preserved is not guaranteed by the law are also of concern.

Paragraph 74

The sale and trafficking of children should be clearly prohibited and the right of the child to have his/her identity preserved should be fully endorsed. Ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption should be considered.

- China, CRC, CRC/C/54 (1996) 18 at para. 120.

Serious concerns remain as to the effectiveness of measures taken to ensure the registration of all children through the household registry. Deficiencies in the registration system deprive children of basic safeguards for the promotion and protection of their rights, including in the areas of child trafficking, abduction, sale and maltreatment, abuse or neglect.

- Nepal, CRC, CRC/C/54 (1996) 25 at paras. 171, 184 and 186.

Paragraph 171

The absence of a specific law and policy to combat the problem of sale and trafficking of children, especially girls, is of deep concern.

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.

Paragraph 186

In order to effectively combat intercountry trafficking and sale of children, it is strongly suggested that all appropriate measures be taken, including legislative, administrative and bilateral measures, to prevent and eliminate such phenomena. Awareness campaigns should be developed at the community level and a thorough monitoring system should be established.

- Guatemala, CRC, CRC/C/54 (1996) 31 at para. 209.

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Deficiencies in the system of birth registration are of deep concern since the failure to register children prevents them from being recognized as persons, from having access to education and health services and from being protected against trafficking in and illegal adoption of children.

- Myanmar, CRC, CRC/C/62 (1997) 25 at para. 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.

- Paraguay, CRC, CRC/C/66 (1997) 29 at para. 214.

Adequate measures, including through awareness-raising campaigns, should be taken in order to prevent the abandonment of children and to protect poor single mothers from illegal networks of child traffickers.

- 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 insufficiency of measures to prevent and combat this phenomenon, and the lack of rehabilitation measures, is 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 the 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.

- Czech Republic, CRC, CRC/C/69 (1997) 28 at para. 179.

Measures, including legal ones, being taken to address the problems of child abuse, including sexual

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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 also of concern.

- Hungary, CRC, CRC/C/79 (1998) 7 at para. 47.

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

See also:

- Japan, CRC, CRC/C/79 (1998) 25 at para. 171.

- Fiji, CRC, CRC/C/79 (1998) 18 at para. 143.

Further measures, including legal reform, should be taken to prevent and combat sexual economic 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 para. 191.

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 para. 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.

- Ecuador, CRC, CRC/C/80 (1998) 9 at para. 53.

Concerning the trafficking of boys and girls into neighbouring countries for work, including

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prostitution, measures should be taken on an urgent basis, such as the rehabilitation of the victims and a comprehensive programme of prevention, including an awareness-raising campaign and educational programmes, in particular in the rural areas and for concerned governmental officials. Cooperation with neighbouring countries is strongly encouraged.

- Thailand, CRC, CRC/C/80 (1998) 35 at para. 181.

In an effort to effectively combat intercountry trafficking and sale of children, efforts in the area of bilateral and regional agreements with neighbouring countries to facilitate the repatriation of trafficked children should be increased and their rehabilitation is encouraged, including within the framework of the regional Mekong Conference on Migration. 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 and ratification of the 1949 Convention for Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others should be considered.

- 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.

- Honduras, CRC, CRC/C/87 (1999) 26 at para. 128.

The situation of children, who, because of serious situations of extreme poverty as well as of situations of abandonment or violence within the family, are forced to live in and/or work on the streets and are therefore vulnerable to different forms of exploitation and abuse, including sale, trafficking and abduction, is of concern. The State party should continue to work in cooperation with NGOs in this area. The State party should adopt appropriate policies and programmes for the protection and rehabilitation of these children and for the prevention of this phenomenon.

- Benin, CRC, CRC/C/87 (1999) 35 at para. 164.

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The increasing incidence of sale and trafficking of children, particularly girls, and the lack of adequate legal and other measures to prevent and combat this phenomenon are matters of concern. The legal framework should be reviewed, law enforcement strengthened, and efforts intensified to raise awareness in communities, in particular in rural areas. Cooperation with neighbouring countries through bilateral agreements to prevent cross-border trafficking is strongly encouraged.

See also:

- Mali, CRC, CRC/C/90 (1999) 43 at para. 229.

- Venezuela, CRC, CRC/C/90 (1999) 10 at para. 60.

In an effort to combat intercountry trafficking and the sale of children, measures should be taken on an urgent basis to strengthen law enforcement, implement a national programme of prevention and to increase efforts in the area of regional agreements with neighbouring countries. Rehabilitation measures should be established for the child victims of trafficking and sale.

- Russian Federation, CRC, CRC/C/90 (1999) 18 at para. 105.

The insufficient guarantees to protect against the illicit transfer and trafficking of children out of the State party and the potential misuse of intercountry adoption for purposes of trafficking, *inter alia* for economic and sexual exploitation, are of concern.

- Mexico, CRC, CRC/C/90 (1999) 34 at para. 191.

A great number of “repatriated children” are victims of trafficking networks, which use them for sexual or economic exploitation. Effective measures should continue to be taken on an urgent basis to protect Mexican migrant children and to strengthen law enforcement in this area. In an effort to effectively combat intercountry trafficking and sale of children, efforts in the area of bilateral and regional agreements with neighbouring countries should be increased in order to facilitate the repatriation of trafficked children and to encourage their rehabilitation.

- India, CRC, CRC/C/94 (2000) 10 at para. 107.

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In order to combat trafficking in children, including for commercial sexual purposes, the Penal Code should contain provisions against kidnapping and abduction.

- South Africa, CRC, CRC/C/94 (2000) 81 at para. 453.

The increasing incidence of sale and trafficking of children, particularly girls, and the lack of adequate measures to enforce legislative guarantees and to prevent and combat this phenomenon are of concern. In the light of article 35 and other related provisions of the Convention, it is recommended that the State party take effective measures to strengthen law enforcement and intensify efforts to raise awareness in communities about the sale, trafficking and abduction of children. The State party should seek to establish bilateral agreements with neighbouring countries to prevent the sale, trafficking and abduction of children and to facilitate their protection and safe return to their families.

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 131, 142 and 143.

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

Paragraph 142

Concern is expressed about the increasing number of child victims of commercial sexual exploitation, including prostitution and pornography. It is noted with concern that there have been reported incidents of sale, trafficking and abduction of children, especially girls, for commercial sexual exploitation.

Paragraph 143

In light of article 34 and other related articles of the Convention, the State party should undertake studies with a view to designing and implementing appropriate legislation, policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children, as well as the sale, trafficking and abduction of children for commercial sexual exploitation.

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 326 and 327.

Paragraph 326

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Like the Committee on the Elimination of Discrimination against Women (A/54/38), the Committee is concerned at the increase in prostitution and the trafficking of girls and women and the absence of an effective, comprehensive and integrated approach to prevent and combat these phenomena. The insufficient awareness of commercial sexual exploitation of children is a concern.

Paragraph 327

A national study on the nature and extent of commercial sexual exploitation of children should be undertaken, and disaggregated data should be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. Legislation should be reviewed and it should be ensured that the sexual abuse and exploitation of children is criminalized and penalizes all offenders, whether national or foreign, while ensuring that the child victims are not penalized. The State party should 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 to adequately train personnel working with child victims. 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, which involves cooperation with neighbouring countries.

See also:

- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 393 and 394.
- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 317 and 318.
- Slovakia, CRC, CRC/C/100 (2000) 100 at paras. 592 and 593.

- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 391-393.

Paragraph 391

The State party's efforts to combat the trafficking and sale of children is noted. Concerns remain about the lack of adequate preventive measures in this area.

Paragraph 392

Measures should be taken on an urgent basis, such as a comprehensive programme to prevent and combat the trafficking and sale of children, including an awareness-raising campaign and educational programmes, in particular in the rural areas and for concerned governmental officials.

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Paragraph 393

The State party's signature of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography is welcomed. The State party is encouraged to ratify and implement it as soon as possible.

See also:

- Liechtenstein, CRC, CRC/C/103 (2001) 19 at paras. 114 and 115.

- 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 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. 80 and 81.

Paragraph 80

It is noted that the Government of Latvia has started the internal procedure of accession to the Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflicts.

Paragraph 81

The State party is invited to continue this process and to ratify the two Optional Protocols to the Convention.

- Egypt, CRC, CRC/C/103 (2001) 36 at para. 250.

The State party is encouraged to ratify and implement the Optional Protocols to the Convention on

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the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

See also:

- Lithuania, CRC, CRC/C/103 (2001) 47 at para. 309.
- Saudi Arabia, CRC, CRC/C/103 (2001) 71 at para. 417.

- 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.

- 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 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

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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. 261 and 262.

Paragraph 261

It is of deep concern that there was no follow-up to the Committee's previous recommendations to introduce measures to monitor and supervise the system of adoption effectively and to consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. Concern is expressed at the extremely high rates of intercountry adoptions, at adoption procedures not requiring authorization by competent authorities, at the absence of follow-up and, in particular, at reported information on sale and trafficking in children for intercountry adoptions. It is also noted that several drafts of adoption laws have been pending in Congress but never adopted.

Paragraph 262

In light of article 21 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) and of the United Nations Verification Mission in Guatemala (MINUGUA), the Committee strongly recommends that the State party suspend adoptions in order to take the adequate legislative and institutional measures to prevent the sale and trafficking of children and to establish an adoption procedure which is in full compliance with the principles and provisions of the Convention. It further reiterates its recommendation to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 291, 342 and 343.

Paragraph 291

The conclusion of a bilateral agreement with the Republic of Mali prohibiting trafficking of children between these two States parties is welcomed.

Paragraph 342

While noting the efforts undertaken by the State party within its Plan of Action to fight child trafficking, deep concern remains about the large number of child victims of trafficking for the

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purpose of exploitation in the State party's agricultural, mining and domestic service sectors and other forms of exploitation.

Paragraph 343

The State party is strongly encouraged to pursue its efforts in implementing the bilateral agreement with the Government of Mali and in extending this experience to other concerned countries. In addition, measures such as a comprehensive programme to prevent and combat the trafficking and sale of children should be taken on an urgent basis, including an awareness raising campaign and educational programmes.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 416 and 417.

Paragraph 416

It is of concern that there have been reported incidents of the sale, trafficking and abduction of children, especially girls, primarily for domestic labour.

Paragraph 417

Effective measures should be taken to prevent and combat the sale, trafficking and abduction of children. The State party should facilitate the reunification of child victims with their families and provide adequate care and rehabilitation for them.