

# FORCED LABOR: THE PROSTITUTION OF CHILDREN

Symposium Proceedings



U.S. Department of Labor  
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# FORCED LABOR: THE PROSTITUTION OF CHILDREN

U.S. Department of Labor  
Robert B. Reich, Secretary

Bureau of International Labor Affairs  
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1996

Papers from a symposium co-sponsored by the U.S. Department of Labor, Bureau of International Labor Affairs, the Women's Bureau, and the U.S. Department of State, Bureau of Democracy, Human Rights and Labor, held on September 29, 1995 at the U.S. Department of Labor in Washington, DC.

## Acknowledgments

This collection of papers was edited by Maureen Jaffe and Sonia Rosen of the International Child Labor Study Office, Bureau of International Labor Affairs, U.S. Department of Labor. Contributors to this volume include: Dorianne Beyer, Panudda Boonpala, Gilberto Dimenstein, Robert Flores, Representative Joseph Kennedy II, Bertil Lindblad, Vitit Muntarbhorn, Karen Nussbaum, Joaquin F. Otero, Ladda Saikaew and Andrew Samet. Opinions stated in this document do not represent the official position or policy of the U.S. Department of Labor. The individual authors are solely responsible for the content of their papers.

These proceedings from the Bureau of International Labor Affairs' (ILAB) symposium on the prostitution of children are part of a series of reports produced by ILAB on international aspects of the exploitation of child labor. Additional copies of this report, or copies of Volumes I and II of *By the Sweat and Toil of Children* can be obtained by contacting: United States Department of Labor, Bureau of International Labor Affairs, International Child Labor Study Office, Room S-1308, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone (202) 208-4843; fax (202) 219-4923. The reports can also be accessed electronically at FTP site [ftp.ilr.cornell.edu](ftp://ftp.ilr.cornell.edu); via GOPHER at [gopher.ilr.cornell.edu](gopher://gopher.ilr.cornell.edu); or at World-Wide Web site [http://www.ilr.cornell.edu/library/e\\_archive/ChildLabor/](http://www.ilr.cornell.edu/library/e_archive/ChildLabor/).



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## PREFACE

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The Bureau of International Labor Affairs (ILAB) and the Women's Bureau of the U.S. Department of Labor, together with the Bureau of Democracy, Human Rights and Labor of the U.S. Department of State, co-sponsored a symposium in Washington, D.C. on September 29, 1995 to explore the growing international problem of the forced prostitution of children. This volume contains an edited collection of papers that were prepared for the symposium.

The goal of the symposium and these proceedings is to focus public attention on the issue of child prostitution as a problem of international dimensions. No country or region is untouched. This volume can serve to further international discussion as we try to increase international cooperation, sharing of information, and the development and implementation of solutions.

Forced child prostitution is forced labor and child labor in their most exploitative forms. The Department of Labor plays an active role nationally and internationally in protecting worker's rights and in promoting internationally recognized labor standards worldwide. As part of this role, ILAB established an international child labor project to report on the exploitation of child labor in all its forms. Two major reports on child labor have been published. The 1994 report, *By the Sweat and Toil of Children (Volume I): The Use of Child Labor in U.S. Manufactured and Mined Imports*, describes how children are illegally employed in the manufacturing and mining industries in 19 countries. The 1995 report, entitled *By the Sweat and Toil of Children (Volume II): The Use of Child Labor in U.S. Agricultural Imports and Forced and Bonded Child Labor*, reviews many of the deplorable situations of forced child prostitution described at the September symposium. Additionally, ILAB received an appropriation from Congress to fund International Labor Organization (ILO) projects aimed at the elimination of child labor. Part of this \$2.1 million contribution to the ILO's International Program for the Elimination of Child Labor (IPEC) is being used to fund a program in northern Thailand to protect children at risk of being forced into prostitution.

The Department's concern for the rights of child victims of

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prostitution is best summarized by the words of Secretary of Labor Robert B. Reich, who said that "in many countries, young girls are sold into prostitution, many times trafficked long distances -- this is simply intolerable."

Many international non-governmental organizations have denounced the commercial sexual exploitation of children. For example, the Nobel Prize Winner's Committee against Child Exploitation condemns the practice by stating "it is unacceptable that children are seen as commodities traded on the street, that children's bodies are used as products, smuggled and thrown away." The organization "End Child Prostitution in Asian Tourism" (ECPAT) has developed an international network of institutions to fight child prostitution. Working with UNICEF and the Government of Sweden, ECPAT is sponsoring a world conference on the commercial sexual exploitation of children to be held in Stockholm in August 1996.

As Karen Nussbaum, Director of the Labor Department's Women's Bureau notes in the foreword to this volume, the program of action for the Beijing Women's Summit addressed the forced prostitution of children and encouraged governments to take action against the trafficking of women and girls. In Beijing, First Lady Hillary Rodham Clinton spoke to this problem, stating that "it is a violation of human rights when women and girls are sold into slavery or prostitution for human greed."

This symposium brought together experts to describe child prostitution as it occurs worldwide and to discuss various responses to the problem. The speakers shared their expertise on the prostitution of children, children's rights, and the roles, responsibilities and responses of governments, intergovernmental organizations, law enforcement, the media, and non-governmental organizations.

The keynote address for the symposium was delivered by Representative Joseph P. Kennedy II. In his address, Representative Kennedy notes that child prostitution is the most denigrating and dehumanizing of all crimes. He stresses the need for this issue to be exposed and discussed so that progress can be made towards eliminating the practice. Representative Kennedy is the sponsor of recent U.S. legislation

(the 1994 Child Sex Abuse Prevention Act) which makes it a crime prosecutable in a U.S. court for an American to conspire to travel abroad for the purpose of engaging in sexual acts with a minor.

Representative Kennedy recommends that solutions begin with tougher enforcement of existing laws, both in the United States and abroad, including the Child Sex Abuse Prevention Act. The United States should make child prostitution a higher priority in bilateral discussions with other countries, and should explore possible avenues for bringing pressure to bear on certain countries, such as through the World Bank and the International Monetary Fund. He advocates that the U.S. support the work of intergovernmental organizations in this area, and urges U.S. ratification of the United Nations Convention on the Rights of the Child.

The volume is then divided into two parts containing the proceedings of two panel sessions. Part I describes the situation of forced child prostitution internationally, with specific examples from Asia, Africa, Latin America, and the United States. Part II looks at different types of programs and strategies for combatting child prostitution.

First, Vitit Muntarbhorn, former United Nations Special Rapporteur on the Sale and Trafficking of Women and Children, offers an international perspective on child prostitution as well as a regional emphasis on Asia. He provides an overview of actions undertaken by intergovernmental organizations such as the United Nations and the ILO, as well as anti-child prostitution campaigns launched by non-governmental organizations such as ECPAT.

Professor Muntarbhorn states that the root causes of child prostitution are multiple and complex. While poverty is consistently cited as a cause, and sometimes even used as a justification for child prostitution, he stresses that poverty alone does not push children into prostitution. Family disintegration, incest and domestic violence, migration, demand for child prostitutes, criminal networks, socio-cultural traditions and religious practices are important additional factors. The children come from a variety of situations: some are runaways, some are sold by their parents or are tricked into prostitution, others are street children. Despite the existence of



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laws against child prostitution in most countries, law enforcement tends to be poor.

Professor Muntarbhorn describes child prostitution in Asia as a transfrontier issue. Children are known to be trafficked into Thailand from neighboring countries such as Burma, Cambodia, China and Laos, trafficked into India from Nepal and Bangladesh, and into Pakistan from all the neighboring South Asian countries.

Finally, Professor Muntarbhorn points to a list of priorities for future action in tackling the problem of child prostitution. These include implementation of more effective anti-poverty measures, universal access to education, the broadening of anti-crime measures, and the maximization of community participation and awareness through neighborhood watch programs, educational initiatives, and community alliances. He stresses that the quality of law enforcement needs to be improved by addressing issues such as low pay, corruption, and insufficient training. He calls for higher profile national and international campaigns against child prostitution and sex tourism, international exchanges for law enforcement officials and community leaders, and improved, broader assistance to child victims of sexual exploitation. When children are trafficked across borders, Muntarbhorn states, independent monitors should be responsible for guaranteeing their safe return to their countries in cases of repatriation.

Dorianne Beyer, Director of Defense of Children International/USA, provides comments on child prostitution in Latin America. Beyer notes that most Latin American nations do not have laws specifically addressing child prostitution, and few governments in the region have programs aimed at eradicating child prostitution. Poverty, she states, is a general trend affecting child prostitution in the region, but there are other factors that are specific to most of Latin America and provide fertile soil for child prostitution. These include, in her view, the phenomenon of *machismo*, and the accompanying factors of physical violence towards women. Another general trend in Latin America, according to Beyer, is the high level of secrecy, shame and denial that surrounds the issue of child prostitution. Beyer attributes this to the pervasiveness of strong religious mores and corresponding teachings on morality and sex.

In Latin America, Beyer stresses, the point of intervention should be in improving the situation of mothers, so that when they have girl children they will not expose them to the conditions that result in child prostitution.

Robert Flores, of the U.S. Department of Justice's Child Exploitation and Obscenity Section, describes child prostitution in the United States and the particular challenges faced by U.S. law enforcement authorities. Prostitution in the United States, according to Flores, involves thousands of children age 12 to 17, many of whom come from broken families, may be runaways, and have a history of drug abuse. Flores stresses that the female prostitution industry in the U.S. is an extremely well organized network. The Justice Department has tried to encourage a more holistic approach to victims' needs by putting together local, multi-disciplinary teams composed of social work professionals, medical and psychiatric professionals and law enforcement officials. Additionally, Flores stresses that law enforcement must send a strong message that violators will be prosecuted and punishments will be adequate. On the international level, Flores notes the need for cooperation among law enforcement officials in order to better prosecute cases involving trans-border movement.

Part II of this volume begins with Panudda Boonpala's presentation of the ILO's response to forced child prostitution. This response includes the formulation and promotion of Conventions on child and forced labor and IPEC's technical assistance programs to eliminate practices such as child prostitution. Ms. Boonpala describes several experiences of IPEC, including data collection, local prevention programs, and strengthening of law enforcement. She notes that the rehabilitation of victims of child prostitution is extremely difficult -- and success rates very low.

Ladda Saikaew, Coordinator of Vocational Training at the Development and Education Program for Daughters and Communities (DEP), provides a non-governmental perspective on prevention programs at the local level in Thailand. She describes how young women from the north, many of whom are from poor, ethnic minority groups and hill tribes, make up a disproportionately high percentage of commercial sex workers. She

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explains how establishments offering commercial sex are often closely integrated into legitimate business activities such as tourism, the hospitality industry and domestic services. Many groups benefit from the recruitment of young women into the sex industry, from their own parents, to corrupt police, to the tourism industry. Recruitment into the sex industry takes place through relatives, friends or neighbors. Families with economic difficulties are most commonly targeted.

Brazilian journalist and author Gilberto Dimenstein presents the potential role of the media as a guardian of human rights, examining how journalists can bring public attention to an issue that tends to remain behind the shadows. The media, he states, can provoke awareness and action to improve the lives of current and future child prostitutes. He explains that child prostitution in Brazil typically does not receive the media attention that more powerful groups attract, due to the fact that child prostitutes are usually poor, female and often of a racial minority. This creates what Dimenstein calls the "law of social cowardice," under which society is most perverse towards those who most need its protection. It was this general lack of concern for girls rights that led Dimenstein to pursue an investigation of child prostitution in northeast Brazil and Amazonia.

Finally, Bertil Lindblad of UNICEF describes the relevant provisions of the U.N. Convention on the Rights of the Child, UNICEF activities related to the issue of child prostitution, and reports on the

*Joaquin F. Otero*

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upcoming 1996 World Congress on the Commercial Exploitation of Children.

I would like to thank the symposium speakers for their cooperation in the preparation of this volume, Director of the Labor Department's Women's Bureau Karen Nussbaum for participating in the symposium, and Deputy Assistant Secretary of State Gare A. Smith for chairing one of the symposium sessions. I would also like to acknowledge the invaluable assistance of my colleagues at the Bureau of International Labor Affairs, especially Associate Deputy Under Secretary Andrew J. Samet, Maureen Jaffe, Sonia Rosen and Daniel Solomon, for helping to arrange the symposium and make this volume a reality.

The papers in this volume represent the views of the authors. We hope the publication of this volume will further the effort to stop the tragedy of the commercial sexual exploitation of children.

Joaquin F. Otero  
*Deputy Under Secretary  
for International Labor Affairs*

U.S. Department of Labor  
Washington, DC  
February 1996



## FOREWORD

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I participated as a member of the United States official delegation to the Beijing conference and spent a great deal of time at the NGO forum as well. I am glad to be here today to present my observations on both of these proceedings, particularly on how they relate to the topic of forced child prostitution.

United Nations conferences such as the international women's conference at Beijing serve to establish markers and set agendas. The markers that were set at Beijing are of particular relevance to the symposium.

At Beijing, probably the overriding theme, as the First Lady forcefully brought home in her remarks, was that women's rights are human rights and human rights are women's rights. A second broad theme, which for the first time in the history of the United Nations women's conferences took its place at front and center, was the issue of violence against women. Both of these themes are of direct importance to the subject of child prostitution.

The formal proceedings at the conference resulted in a United Nations platform of action, characterized by advances on several fronts that are relevant to the issue of child prostitution. Consensus language was adopted relating to women's rights in sexual relations. The platform states that human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. This language basically states that women have the right to say no, and this is a very important new marker.

Language in the final platform also establishes that the interests of the child are paramount. The bodily integrity of young girls and young boys is absolute. In addition, the United States supported strong language calling on governments to take responsibility for preventing and punishing violent acts against women.

The platform of action also addressed the role of the "media," in

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particular those that depict rape, sexual slavery and the use of women and girls as sex objects, including pornography. These all contribute to the continued prevalence of such violence, adversely influencing the community at large, in particular children and young people. In addition, the severe cruelty suffered by refugee women and girls were cited as crimes against humanity and violations of human rights.

The conference called for the effective suppression of trafficking in women and girls for the sex trade as a matter of pressing international concern. While the issue of trafficking of women and girls had been addressed in prior conferences, the platform of action from Beijing, more than in any previous document, identifies concrete and specific actions that governments, intergovernmental organizations, and youth and community groups can take. It calls on governments, community organizations, and non-governmental organizations to organize, support, and fund community-based education and training campaigns to raise public awareness of violence against women and girls. It urges them to develop and fund counseling, healing, and support programs for girls involved in abusive relationships, including trafficking.

The platform compels governments and intergovernmental organizations to address the root factors that encourage trafficking of women and girls. It calls on them to step up cooperation by all relevant law enforcement agencies to dismantle trafficking networks and urges the development of education and training programs aimed at preventing sex tourism.

At the non-governmental forum, attended by approximately 40,000 people, there were dozens of workshops on the prostitution of women and children and child labor. One session which I attended on the last day of the conference addressed the topic of migrant women workers, and how a number of them are tricked into prostitution after they leave their country of origin.

The pillars for moving forward from here can be found in the platform in a couple of ways. On one hand, we should look at the call to address the root causes of prostitution, namely poverty and the lack of

*Karen Nussbaum*

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legitimate sources of income and employment. On the other hand, we should look at the rights of women and children in sexual relations. Successfully addressing these two issues are the pillars for moving ahead.

The fact that participating countries made specific commitments on how to implement the platform of action establishes imperatives for government, and gives us the tools to move forward within our own country and around the world on this important issue.

Karen Nussbaum  
*Director of Women's Bureau*

U.S. Department of Labor  
Washington, DC  
February 1996





## KEYNOTE ADDRESS

Representative Joseph P. Kennedy II

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I want to thank all of you for taking the time to discuss what is really one of the most fundamentally outrageous issues that the world faces. I hope you can not only learn from the speakers, but perhaps help us with some ideas, particularly in the Congress of the United States, on what you think we ought to be doing to try to improve this situation. I do not think people around the country, around the world, or in Congress truly understand the extent to which this issue exists, and I think all of you are to be commended for taking time to think about and to deal with the issues that we are facing.

I also want to thank the State Department for the work that they are doing in terms of exposing this issue and the Department of Labor for sponsoring this important conference today.

I think this is truly a gut-wrenching issue. It is an issue that many people have a hard time coming to grips with because of simply outrageous behavior that leads so many young children across our world, across our country, to become involved in prostitution. This is the most denigrating, dehumanizing of all crimes that can be possibly imagined. And much can be done to prevent it.

The extent to which this crime exists on our planet today is absolutely astounding. We as individuals and societies can to some extent take steps, maybe not to eliminate it, but certainly to lessen it. We can take steps to take this terrible burden off the shoulders of so many young children, children six and seven years old, that are being drawn into prostitution rings, in many cases to serve Americans that have the money to go abroad and take advantage of young children. Here in the United States there are over 100,000 children involved in child prostitution. It is an issue that needs to be discussed. It is an issue that needs to be exposed. And if we take steps, we can go a long way towards reducing it.

Many of you recognize that we are living in a time when compassion for our own children is considered to be an unacceptable quality

## *Keynote Address*

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in the political arena. A time when we are preparing to cut off the life support for millions of American children simply because of the supposed sins of their parents. I intend to continue to fight these efforts with all of my energy in the Congress. But we must reach beyond our borders when it comes to creating a safe and loving and nurturing environment for all our children. That is what you are all about and it is what I want to salute you for -- the unbelievable efforts that many of you have made. I want to let you know that in coming here today and in the work that you will continue to carry out, you are doing the Lord's work, and I am proud that you have asked me to come and spend a few minutes with you this morning.

Last year in the United States Congress, I introduced legislation that took aim at the international child prostitution and pornography industry. The bill was passed, but it was just a small step, as today's dialogue is a step, along the path to ending the awful abuse of the most innocent inhabitants of our planet, our children.

Frankly, most of my congressional colleagues have no idea that such an industry even exists. But the people in this room know better and know the horrible statistics on this issue. Twenty-five thousand children in Brazil, 30,000 children in Sri Lanka, 40,000 children in the Philippines, 300,000 children in Thailand, 400,000 children in India, all engaged in child prostitution, and 100,000 children right here in the United States of America.

We think of ourselves as civilized people living in modern times, yet child prostitution is a growing problem in both developing and developed countries. It represents the ultimate betrayal of our commitment to human decency and respect. Child prostitution is an attack on humanity that focuses exclusively on the next generation. It subjects children to emotional and physical dangers that can leave scars for a lifetime.

## Representative Joseph Kennedy II

Of course we can blame many factors. We can point to poverty, the disintegration of families, incest and domestic violence. But one factor is clear: somebody, somewhere made a conscious decision to force a child into prostitution, and this decision was made by a growing demand for child prostitutes, both domestically and from international sex rings and sex tourism.

Ultimately the goal of these rings is one thing: money. In the poorest societies, children are often sold by their families in a desperate attempt to get money. Some are kidnapped or lured by traffickers with promises of employment in the city, only to end up in brothels.

In fact, in many countries young girls are often viewed as less valuable, even in their own families. The resulting discrimination sometimes leads to their sale into prostitution by those same families. Little boys are not immune either. They are being forced into prostitution to satisfy a growing demand for young males.

Child prostitution hurts children both physically and emotionally. Many child prostitutes contract AIDS and other diseases. Many are beaten. There are some reports that children are tattooed by organized crime elements that control them as property. The emotional toll on these kids is immeasurable. Child prostitution undermines a child's development and robs a child of his or her dignity and basic human rights. A child in that situation can never look at an adult, at a fellow human being, in the same way. Those scars will last forever.

What must it be like for a seven year old girl forced into prostitution in a Brazilian gold mining village, or to be a six year old boy in Sri Lanka forced to have sex with a European businessman? The countries I just named are far away, but we must ask ourselves these questions here as well.

The problem is much closer than many realize. I am ashamed to say that in the United States the problem is of unimaginable proportions. I remember when I was a young fellow working in the juvenile courts in the city of Boston and seeing case after case of teenage prostitutes. These were

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mixed up kids, kids that had emotional problems, that were being terribly abused by some of the worst criminals in Boston.

It is a problem that we sweep under the rug in this country. We need to focus, as we are in today's meeting, to bring the light of day onto what happens in these situations. Advances in technology like the Internet have increased the opportunities available for those who seek sex from children. Recent arrests uncovered a child pornography operation in the United States using America Online.

Sex tours from Europe and the United States supply a significant portion of the demand for child prostitutes throughout the world. Recently an Austrian airline even used a cartoon drawing of a child in a sexually explicit pose to sell sex tours. There seems to be no low to which these flesh peddlers will not stoop.

Many U.S. travel agencies set up sex tours for thousands of Americans every year. These package tours include airline, hotel, transportation, and a choice of escorts for the duration of the tour. The tours take travelers to far-off destinations like Bangkok, where Thai police recently arrested 18 underage girls servicing 17 men per night. Seventeen of the 18 girls tested HIV-positive. The sad truth is that one-quarter of all the visitors abusing children in Asia are American businessmen or military personnel. So there is plenty of blame and plenty of shame to go around.

So what can we do to deal with this awful abuse of children? We can start by tougher enforcement of existing laws, both here and abroad. The law I sponsored last year, the Child Sex Abuse Prevention Act, makes it a crime for United States citizens to conspire to travel abroad for the purpose of sexual acts with minors. The law also makes it a felony for any person outside the United States to produce or traffic in child pornography with the intent to distribute those materials in this country.

*Representative Joseph Kennedy II*

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We should make child prostitution a higher priority in our bilateral discussions with other countries. These discussions must take place in Asia, in Europe, and North and South America -- every place where children are exploited and abused. Individuals and nations must be held accountable.

Let us be clear. Those engaged in the prostitution of children should be viewed as pariahs by the world. I personally conducted a number of meetings with ambassadors from these countries to confront them with the reports of such abuses taking place in their countries. We must have confrontational discussions with these countries about what is going on and what they expect from the United States as well.

Involvement of intergovernmental organizations like the United Nations as well as the Women's Conference in Beijing is important. Their work is essential. The good work of the United Nations Special Rapporteur on the Sale and Trafficking of Women and Children must be supported.

The United States should join the more than 150 countries that have ratified the Convention on Rights of the Child adopted by the United Nations in 1989. It is unbelievable to me that at this point in our history we have still not ratified that document. I am hopeful that the U.S. Senate will soon come to the decision that this is something that it can support.

We should also be creative in examining new ways to bring pressure on governments that tolerate the sexual abuse of children. We should explore these opportunities at the World Bank and the International Monetary Fund. If appeals to decency and morality fail, let us make attacks on these countries' pocketbooks in order to get their attention.

Ultimately, the desire for these sexual encounters will wilt under the light of exposure. The press can be very effective by creating awareness of the problem and exposing those who profit from the activity. Last year I wrote an essay on child prostitution and sex tourism that appeared in the Christian Science Monitor. I can think of no topic more right for investigative reports than child prostitution.

Your participation here today helps to shed light on this evil. This

*Keynote Address*

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forum offers an opportunity to exchange ideas and coordinate new initiatives to fight this disgrace. You represent the world's best hope and the best solution to this problem. A solution must be found, because the soul of every human being is being tainted so long as the horrible treatment of children is allowed to continue.

PART I: OVERVIEWS ON CHILD  
PROSTITUTION

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# 1. INTERNATIONAL PERSPECTIVES AND CHILD PROSTITUTION IN ASIA

Vitit Muntarbhorn

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## Introduction

Child prostitution has emerged in recent years as a global phenomenon of disquieting proportions. It is found in both developing and developed countries, although the numbers loom larger in the case of the former. Despite attempts to counter the situation, it remains daunting and intractable. In various parts of the world, the situation is deteriorating. The sexual exploitation of children has become more insidious because of its transfrontier nature. Children are increasingly sold and trafficked across frontiers -- between developing and developed countries, among developing countries, and among developed countries. The spread of child prostitution worldwide is part and parcel of the less positive aspects of globalization, and all continents of the globe deserve attention.

## Child Prostitution

According to the 1989 United Nations Convention on the Rights of the Child, the term "child" generally encompasses a person under 18 years of age.

A definition of child prostitution, derived from the 1990-94 reports of the United Nations Special Rapporteur on the Sale of Children, can be given as follows:

*...the sexual exploitation of a child for remuneration in cash or in kind, usually but not always organized by an intermediary (parent, family member, procurer, teacher, etc.).*

I do not pass judgment on the pros and cons of adult prostitution. However, child prostitution is inadmissible -- it is tantamount to

### *International Perspectives and Child Prostitution in Asia*

exploitation and victimization of the child because it undermines the child's development. It is detrimental to the child both physically and emotionally, and is in breach of the child's rights.

Laws against exploitation of child victims of prostitution exist to some extent in all countries. Both specific and general laws on child prostitution exist. An issue of concern regarding exploitation of children in the sex industry is the age of consent. Although in principle, no child prostitution should be permitted for those under 18 years of age (the age range covered by the U.N. Convention on the Rights of the Child), many countries set the age of consent for sexual intercourse below 18, usually between 13 and 17. In some contexts, this means that the customer is exempt from criminal responsibility if the child victim consents, even if he or she is under 18. This discrepancy may lead to a situation where law enforcement authorities would be reluctant to act, particularly in cases where the child victim is considered to be old enough to consent but is younger than 18.

The occurrence of child prostitution varies from individual cases to mass victims of organized crime. Some victims are runaways from home or State institutions, others are sold by their parents or forced or tricked into prostitution, and others are street children. Some are amateurs and others professionals. Although one tends to think first and foremost of young girls in the trade, there is an increase in the number of young boys engaged in prostitution. The most disquieting cases are those children who are forced into the trade and are then incarcerated. These children run the possible further risk of torture and subsequent death.

Trafficking networks are not only found between developing and developed countries but also among developing countries, and among developed countries.

The situation is rendered more convoluted by the unavailability of accurate statistics. In one country, there is a debate as to whether there are really 800,000 child victims of prostitution or whether this often quoted number is a gross exaggeration. Available statistics are often out of date. I submit, however, that even if one child is exploited sexually, it is a serious

matter.

It may generally be said that the numbers of child victims of prostitution are highest in Asia and Central and South America. It is not difficult to see the linkage between the massive numbers of street children in these regions and child prostitution. However, there are also reports of an increase in child prostitution in Africa, North America, Europe and Australia. Given the fact that demand and supply are worldwide, the problem of child prostitution affects all countries.

The root causes of child prostitution are multiple and complex. There is a certain scenario that I would like to leave with you as my initial ten point rule.

1. The first issue I would like to present is the poverty argument. Often we find that poverty is invoked as a reason for child prostitution. Because many families are unable to support their children, the latter become easy prey for the trade that lurks beyond. It is the poor sister-in-law or the poor father who sells the child into prostitution. This is compounded by family disintegration, including incest and domestic violence, and migration from rural to urban areas and from one country to another in search of a livelihood. However, more often than not, it is not poverty alone which pushes children to become victims of prostitution. Many societies that are poor do not have a high degree of prostitution, so prostitution does not necessarily follow from poverty. Unfortunately, in many societies the poverty argument is used as a justification for child prostitution. Again, I do not accept this argument because child prostitution is in breach of children's rights.

2. The poverty argument is incomplete because of a second issue: criminality. Poverty may explain certain conduct but it does not justify or lead necessarily to exploitative, criminal conduct. We need to look more from the angle of criminality, the fact that there are criminals at work -- intermediaries, pimps, and procurers -- all benefitting and profiteering from children. Sadly, it is often the child who is regarded as the criminal, even though the child is merely a victim, and the real criminal, the owner of the brothel or the pimp, gets off scott-free because of nonchalance or negligence

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in the judicial system or otherwise.

3. A third factor is commercialization; the dynamics of supply and demand. It is true to some extent that child prostitution has existed for a long, long while, whether in our traditions or otherwise. But the scenario has become more commercialized. It has become more of a business, transnational or otherwise, and we regrettably live in a world of supply and demand. Poverty may explain supply, the parent pushing the child into prostitution, but it does not quite explain demand. It is the demand that we must equally tackle in our global efforts against the commercialization of child prostitution. This means that we have to tackle a certain business in crime. And it is this new face of child prostitution that leads in many countries to a degree of dehumanization, rendering the child an object of certain conduct rather than a subject with vested rights and interests.

4. A fourth issue is globalization. Child prostitution has become globalized. It is easier to exploit children in our age of communications and information networks. It is easier for us to press a button on our computer and enjoy, sadly, regrettably, cyberporn which is sometimes linked with child prostitution. It is easier for the transnational pedophile to get onto a plane and go to Thailand or the Philippines in order to videotape a child and sell it abroad.

5. A fifth issue is transnationalization. Child prostitution occurs across frontiers and boundaries. The new face of exploitation is a transnational face, with transnational criminal networks or conduct that takes place not only in neighboring countries but across the globe as well. This conduct may take the form of abduction, false documentation and sham marriages.

6. A sixth issue is the contrast between modernity and traditionalism. You have already heard about the use of computer networks to exploit children sexually. In many developing countries, we have traditional practices that are inherent to our societies, such as the sending of children into temples to become sex goddesses who ultimately fall into prostitution. In many societies, there exists a certain ethnic belief that an older person will rejuvenate himself or herself by having sex with a minor. Such a belief

is rampant in many societies.

7. A seventh issue is the spiral effect. We must deal with multiple forms of exploitation. Child prostitution leads to child pornography, leads to torture, leads to AIDS, leads to death. We have a plethora of concerns to address; not only child prostitution, but its linkages with other forms of torment and, ultimately, destruction.

8. An eighth issue is law enforcement, or very often the lack of law enforcement. All countries, developing or developed, have laws that can be used to protect children. But which country does not suffer from lax or weak law enforcement, corruption, and collusion? The criminal system pervades law enforcement in many societies. The crunch is therefore how do you deal with child prostitution even though the laws are in place? We will look at some strategies in a moment.

9. A ninth concern involves the family and community. I believe that child prostitution emerges from a family and community perspective. Countries, communities, and families are falling apart for various reasons, whether it be due to economic need, neglect, abuse, declining values, or the criminal conduct that pervades them. If this is a community and family affair, no amount of law enforcement from the will ever be sufficient, precisely because it is too pervasive a problem to be tackled by one sector alone. While we must strive for better policing, our strategy must also emerge more from and for the community and the family.

10. Finally, the private sector is a tenth issue. We are dealing with a bad private sector which must be countered by a good private sector. So where are our colleagues from the private sector? Dear friends, those of us here today are preaching to the converted. We need the better part of business and community to deal with the perverted or potentially perverted parts.

#### International Perspective

The approach at the international level varies from "hard law" in the form of international conventions to "soft law" in the form of persuasive pronouncements.

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There have been a host of international conventions, dating back to the early part of this century, touching upon the issue of slavery and sexual exploitation. For many decades, the International Labour Organization (ILO) has been instrumental in pressing for international legislation against forced labor, thereby covering also child prostitution. In 1930, the Forced Labor Convention (No. 29) was adopted, later reinforced in 1957 by the Abolition of Forced Labor Convention (No. 105). State Parties to these Conventions undertake to counter and penalize forced labor, which is defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."

One of the more frequently cited instruments relating to the issue of sexual exploitation is the 1949 Convention on the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others. The Convention legislates against procurers and exploiters of prostitutes rather than the prostitutes themselves. The 1979 Convention on the Elimination of All Forms of Discrimination Against Women provides in Article 6 that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

Some of the earlier conventions suffered, in particular, from a paucity of accessions by States and the lack of effective monitoring mechanisms. All of them have been impeded by poor implementation at the national level. Moreover, the legalistic approach advanced by some of these instruments fails address both prevention and cure.

Children were specifically addressed in the 1959 United Nations Declaration on the Rights of the Child, which called for the protection of children from child neglect and exploitation but was not a binding treaty. This has burgeoned into a new convention -- the Convention on the Rights of the Child -- a milestone in the process as it is a binding international agreement. Article 34 of the Convention states as follows:

*States Parties undertake to protect the child from all forms*

*of sexual exploitation and sexual abuse. For these purposes, States shall in particular take all appropriate national, bilateral and multilateral measures to prevent:*

- a) the inducement or coercion of a child to engage in any unlawful sexual activity;*
- b) the exploitative use of children in prostitution or other unlawful sexual practices...*

Implementation is a daunting challenge. In the various country reports that have been submitted to the Committee on the Rights of the Child established under the Convention, the information provided on child prostitution has so far not been very detailed and deserves closer monitoring in future.

The "soft law" approach may also be helpful. Most relevant is the Program of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, adopted by the United Nations Commission on Human Rights in 1992. It was originally prepared by the Working Group on Contemporary Forms of Slavery and was propelled by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Program calls for better law enforcement and more cooperation between key organizations such as INTERPOL and United Nations agencies. Its multi-faceted approach includes the following, *inter alia*:

*a) Information and education*

- i) An international information campaign to raise public consciousness, including participation of religious and lay organizations and the media;*
- ii) Improvement of the sources of information;*
- iii) Provision of educational measures to raise awareness of the issue;*
- iv) Alternative educational programs for street children.*

*b) Social measures and development assistance*

- i) Development activities to tackle poverty and aimed*



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- at improving the conditions of women and children;*
  - ii) *Severe penalties for consumers and procurers;*
  - iii) *Punishment of the intermediaries and confiscation of proceeds from their activities;*
  - iv) *Accession to relevant international treaties and implementation.*
- c) *Rehabilitation and reintegration*
- i) *Inter-disciplinary programs to assist the rehabilitation and re-integration of victims and their families.*
- d) *International cooperation*
- i) *Bilateral and multilateral cooperation among law enforcement agencies.*

Various specific concerns are voiced as follows:

46. *Incest and sexual abuse within the family or by the child's employers may lead to child prostitution. States therefore should take all appropriate legislative, administrative, social and educational measures to protect children against all forms of abuse while in the care of parents, family or legal guardians or any other person.*

47. *Special attention should be paid to the problem of sex tourism. Legislative and other measures should be taken to prevent and combat sex tourism, both in the countries from which the customers come and those to which they go. Marketing tourism through the enticement of sex with children should be penalized on the same level as procurement.*

48. *The World Tourism Organization should be encouraged to convene an experts meeting designed to offer practical measures to combat sex tourism.*

*49. States with military bases or troops, stationed on foreign territory or not, should take all the necessary measures to prevent such military personnel from being involved in child prostitution. The same applies to other categories of public servants who for professional reasons are posted abroad.*

*50. Legislation should be adopted to prevent new forms of technology from being used for soliciting for child prostitution.*

The Working Group on Contemporary Forms of Slavery of the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities has also prepared a draft program of action for prevention of traffic in persons and the exploitation of the prostitution of others. While it does not specifically address children, this draft program of action includes strategies which can be promoted for their protection. These include information, social measures, development assistance, legal measures, law enforcement, rehabilitation, reintegration and international coordination.

These programs of action deserve to be disseminated broadly at the national level. Implementation by States should be encouraged, as well as consistent monitoring and reporting to the United Nations Commission on Human Rights and to other concerned international entities such as the Committee on the Rights of the Child and the United Nations Special Rapporteur on the Sale of Children.

From the angle of children being used as instruments of crime, it is worth noting the work of the Crime Prevention and Criminal Justice Branch of the United Nations. Related to its work was the adoption of the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) in 1990, which recommend in part:

*- Stepping up research on child exploitation, prevention programs and their assessment, interdisciplinary*

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*cooperation, circulation of information about behavior liable to create child victims (recommendations regarding legislation, appointment of ombudsmen, training courses of police officers);*

- *(Propelling) the United Nations Congress for the prevention of crime and the treatment of offenders;*
- *(Promoting) international cooperation and mutual assistance by instituting training programs and exchanging experts;*
- *Protecting crime victims;*
- *Reassessing legislation on the exploitation of children;*
- *(Providing) legal aid for children;*
- *(Fostering) a multidisciplinary approach to crime prevention;*
- *(Advocating) the introduction of free telephone help-lines for children.*

Since tourism is being increasingly scrutinized for its linkage with child exploitation, it should be recalled that in 1985 the World Tourism Organization adopted the Tourism Bill of Rights and Tourist Code which included the following exhortations:

- a) *States are reminded of the need to prevent any possibility of using tourism to exploit others for prostitution purposes;*
- b) *Tourism professionals and suppliers of tourism and travel services are asked to refrain from encouraging the use of tourism for all forms of exploitation of others;*
- c) *Tourists themselves are requested to refrain from exploiting others for prostitution purposes.*

This Code may also be used to exert peer group pressure on tourists and tourist agencies to be more responsive to the call to eradicate child sexual exploitation.

More recently, INTERPOL has stepped in to probe the issue of

sexual offenses against minors by establishing a Standing Working Party on Offenses Committed against Minors. In 1993, it established sub-groups to look into the issues of law enforcement, legislation, including on child prostitution, international cooperation, liaison networks, sex tourism, victim assistance, police structures, missing children, free telephone help-lines, prevention models, training, and research and statistics. INTERPOL is proposing to share information via contact agents, particularly on pedophiles' movements, and collect information about national laws on child prostitution.

The multilateral approach can be paralleled by regional and bilateral initiatives. This is exemplified by the 1987 African Charter on the Rights of the Child, which calls for protection of the child from exploitation. In 1991, the Council of Europe adopted the Recommendation on Sexual Exploitation, Pornography and Prostitution of and Trafficking of Children and Young Adults. It placed emphasis on the importance of organizing the public against sexual exploitation, information campaigns, information collection, interaction with travel agencies, accession to international instruments, expansion of national jurisdiction to cover the misdeeds of nationals abroad, exchange of information, and more research on pedophilia and the link between the sex industry and organized crime.

In the lead-up to the 1993 World Conference on Human Rights, various regional meetings also highlighted the plight of the child and called for more cooperation. Asian governments, in their 1993 Bangkok Governmental Declaration on Human Rights, voiced the following:

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*23. Recognize the rights of the child to enjoy special protection and to be afforded the opportunities and facilities to develop physically, mentally, morally, spiritually, and socially in a healthy and normal manner and in conditions of freedom and integrity.*

At the same time, non-governmental organizations adopted their own Bangkok Non-governmental Declaration on Human Rights and called for attention to the following:

*13. Children. A variety of abuses and exploitation of children arise in the region. These include child labour, children in bondage and sexual slavery, child prostitution, sale and trafficking of children .... Implementation of the rights of children to survival, protection, development and participation as embodied in the International Convention on the Rights of the Child must be a paramount concern of every State regardless of considerations of national capacity and security.*

Non-governmental organizations have become increasingly coordinated in networking to prevent child prostitution with effective media campaigns. A noteworthy campaign is run by End Child Prostitution in Asian Tourism (ECPAT). Its country links include Australia, France, Germany, India, Japan, the Philippines, Sri Lanka, Switzerland, Taiwan, Thailand, the United States and Vietnam. It has been effective in mobilizing action at the national level, e.g., children's forums against military bases, and advocacy against pedophilia and the exploitative use of children in advertising in various countries.

In great part due to the efforts of ECPAT, a First World Congress Against the Commercial Sexual Exploitation of Children will be convened in Stockholm in 1996. It is expected that the Congress will adopt a strategic Plan of Action to counter child prostitution with realizable goals to be achieved in a fixed timeframe.

### National Developments

As already implied above, laws which could be used to apprehend exploiters of child prostitution are to be found in virtually all systems. Examples in North America include the various state laws in the United States and the Canadian Criminal Code. In Europe, Criminal Codes provide protection to children in virtually all countries including Bulgaria, Czechoslovakia, Denmark, France, Germany, Italy, the Netherlands, Norway, Spain and Sweden, although the age of consent varies by country. There is also specific legislation on children and young persons which defines the powers of the police in such matters, e.g., in the United Kingdom.

Legislation in Asian countries is similar. Provisions in the Criminal or Penal Codes exist in such countries as Bangladesh, Japan, the Philippines and Thailand. Specific legislation on children and sexual exploitation can be found in several countries, e.g. India, Sri Lanka and Thailand. Some traditional practices which may lead to children being used in child prostitution, such as the Devadasi custom of deifying young girls (who ultimately fall into prostitution), have also been banned by law, e.g., the Indian Devadasi Prohibition of Dedication Act. However, the custom persists in practice.

In Central and South America, there are criminal laws or specific child-related laws which can be used to protect children from sexual exploitation. Innovations include the 1991 Statute of the Child and Adolescent in Brazil, which provides more decentralized measures against child exploitation. In Africa, the juridical situation is similar, with either a criminal code or specific child/youth law bearing on child prostitution in all countries. In Australia, there is a wide variety of state legislation in a federal setting. Child prostitution is illegal, and in most states, there is protection for children under 16 years of age. In some situations, however, the protection is raised to cover those under 18. The laws vary from the Criminal Code to Children's Services Act.

Although most countries have child protection laws, exploitation of child prostitution persists in practice.

A serious problem persists in Southeast Asia. The cases of child

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victims of prostitution in Thailand and the Philippines are well documented. However, the problem is expanding. Trafficking of children for sexual exploitation to and from neighboring countries in Southeast Asia, such as Cambodia, China, Laos, Burma and Vietnam, has become more evident. The range of sex tourists visiting these countries covers many regions, including Australia, North America, Europe, Japan and the Middle East. In addition, the impact of local tourism should not be underestimated. Many customers are local rather than foreign, and customers from countries in the immediate vicinity are also visible, such as Malaysian tourists in Thailand.

The prosecution of sex tourists is an uphill task. In 1995 in Sweden, there was the first successful prosecution of a Swedish pedophile caught *in flagrante delicto* in Thailand. His passport had been confiscated by the Thai authorities but he subsequently had managed to acquire a new passport. He then jumped bail and fled the country. The resultant prosecution was due to bilateral responses from Swedish and Thai authorities with back-up support from the non-governmental sector.

The high proportion of child victims of prostitution in Thailand is aggravated by the arrival of children lured and trafficked from countries such as Cambodia, China, Laos, and Burma. The present Thai Government has adopted the issue of child prostitution as an urgent priority for counter-measures. However, law enforcement is still weak. Numerous reports concerning the inhumane treatment of girls from Burma trafficked into Thailand and then sent back to Burma have appeared in recent years. There have been indications that when those repatriated from Thailand are found to be HIV positive, they are segregated by the Burmese authorities and/or may come to physical and psychological harm. The situation calls for guarantees of safety for these girls if they are to be returned to the country of origin. The process of return should be subject to consistent and independent monitoring, with international supervision.

In the Philippines, the extensive problem of child prostitution is linked to the large number of street children and the spread of the sex trade. The Philippine Government has taken positive measures to curb child exploitation by promoting the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act. There has been a clamp-down

on foreign pedophiles, and a number of them have been arrested and deported. However, judicial action against child exploitation is not a simple matter. In a 1991 case concerning the death of a girl allegedly abused by a foreign pedophile, the latter was acquitted upon appeal on grounds of reasonable doubt concerning the evidence. The court also noted that pedophilia was still not a statutory crime. However, the court added that the appellant had abused Filipino children, enticing them with money, and recommended his expulsion.

Reports are also on the rise concerning child prostitution in China and Vietnam. This increase can be partly attributed to the liberalization of economic policies and the resultant openings to the outside world and foreign investment. These transitions may also give rise to opportunities in the service sector, at times with negative results for children who are lured into that sector. There are also reports on Japan, mainly concerning the demand factor. Japanese tourists sometimes visit Asian countries for the purpose of acquiring sexual services. In Japan itself, there is a large number of undocumented workers, including workers in the sex trade, who are sometimes abused by their employers. There have been successful lawsuits filed by non-governmental organizations in Japan against local employers of foreign prostitutes on charges of abduction and forced prostitution.

South Asia has an extensive market of child victims of prostitution. Sri Lanka is a destination for many foreign pedophiles. In 1991, a boy prostitution ring was identified and action taken against the exploiters. A number of pedophiles were deported. There remain, however, various concerns regarding girls working in the free trade zone of Sri Lanka, some of whom are coerced into rendering sexual services.

The situation in India is disquieting, not only because of the large number of local and foreign child victims of prostitution, but also because of the spread of AIDS. A number of girls are trafficked into India from Nepal and Bangladesh. Cultural practices detrimental to children continue to exist, in particular the practice of selling children into religious institutions where they ultimately end up in prostitution.

Reports from Pakistan indicate trafficking of children into that



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country from Bangladesh, Bhutan, India, Nepal and Sri Lanka. Tragically, girls forced into prostitution are sometimes arrested and placed in prison pending their return to the country of origin. Various legislative anomalies discriminate against girl victims of prostitution, and at times procurers even offer bail to the authorities under the guise of wishing to help the girls who have ended up in prison. If released, the girls fall back into the hands of the procurers.

In Africa, many countries are faced with a rising child prostitution problem, partly due to poverty, migration from rural to urban areas, and increased tourism. The linkage with tourism is exemplified by the situation in Senegal. In Zimbabwe, the problem is related to the sex trade near the border. The Sudan, Kenya and Libya are all on the list of countries facing the challenge. Algeria has been reported as a place of transit for traffickers. In Mauritania, there are reports of foreign pedophiles at work and an increase in boy victims of prostitution. In Ghana, young girls are tricked into prostitution in the belief that they will be housemaids. Visible increases of children in sexual exploitation are noted in Côte d'Ivoire and Burkina Faso. Parents are at times involved directly in the abuse, as documented in the report of Namibia to the United Nations Committee on the Rights of the Child.

In Europe, child prostitution is often linked with runaway and homeless children. There are novel features to the problem, particularly in light of new technology. In France, recent developments concern the use of the telephone-accessible on-line provider "Minitel" to offer the sexual services of children. One report suggests that parents may be involved in the trade. Police have also complained that tour operators in France are now increasing the price of holidays in the Far East to cover the cost of legal proceedings in case their tourists are arrested on child exploitation charges abroad.

In Belgium, there are reports of networks luring foreign women under the guise of dating agencies and marriage bureaus. In Spain, public attention was focused recently on the Edelweiss case involving trafficking of women from abroad and the provision of sexual services through saunas. However, it is not certain whether the women involved were minors. On another front, Eastern Europe is an expanding market for child exploitation. Cases of children sold for sex in Russia were well covered by the international media in 1993.

In 1992 in Switzerland, a non-governmental organization took action in court against a travel agency for arranging sex tours in developing countries. As a result, the travel agency was excluded from the Swiss Federation of Travel Agencies and was forced to shut down. This exemplifies the positive role which the private sector can play in exerting peer pressure to be accountable to children.

There is often a close link between child prostitution and child pornography. A case in point in 1992 was an advertisement placed by Lauda Air, an Austrian airline, with the cartoon depiction of a child in a pornographic pose inviting sexual exploitation. Due to protests from the non-governmental sector, the offending advertisement was withdrawn.

Cases of European pedophiles who travel from such countries as Germany, Switzerland and Scandinavia to developing countries have led to the call in originating countries to extend criminal jurisdiction to acts of their nationals committed against children abroad. Sweden has a longstanding law on the subject, and Germany and other countries have followed suit by adopting extra-territorial criminal laws on child sexual exploitation.

Countries in the Middle East tend to deny that the problem of child exploitation exists in their region. However, it is reported that some citizens of these countries travel to other regions in search of sexual services, particularly to Southeast Asia. Meanwhile, the flow of migrant workers from other regions to the Middle East does not rule out

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the possibility of a trade in sex with consequences for child prostitution in those countries.

In North America, economic considerations, domestic violence and abuse, family disintegration and drug addiction are increasingly recognized as factors leading to the spread of child prostitution. Organized crime is also a factor. Recently, there was a report from the United States to the effect that some victims of child prostitution were tattooed by the criminal elements who had control over them.

Similar factors lead to child prostitution in Canada. Some children have returned to the streets in pursuit of the trade after being institutionalized in state facilities. This may reflect the poor quality of some of these facilities and their failure to offer the children viable alternatives.

Pedophile rings are known to operate from North America. In a recent case, one American group set up a so-called children's shelter in Thailand as a front for pedophilia. The organizer was arrested and imprisoned. There is also a connection between American rings and European pedophiles, particularly regarding child pornography, which is now proliferating due to computer bulletin boards.

Central and South America are generally known for their large number of street children, and the link between that environment and prostitution is strong. Child victims of prostitution are present in large numbers in such countries as Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico and Peru. One should not forget the rising number of women from this region who travel to the North in search of a livelihood. Here again, children may be candidates for trafficking and migration to the more developed countries. Many countries in this region are now taking more interdisciplinary measures to tackle the root causes of child prostitution, including enacting new laws and policies in such countries as Brazil. However, the enormous debt burden of these countries and structural adjustment programs imposed by world financial institutions make it difficult to allocate sufficient resources to meet the needs of families and children. The structural imbalances created by this burden and the inequitable structures at the local level take their toll in terms of the root

causes of child prostitution and the efforts to mitigate those causes.

Although the Western Pacific region is not known for having a large number of child victims of prostitution, a number of people from these countries take part in sex tourism, particularly to Southeast Asia. As the Australian police have noted:

*In recent months, a joint Child Exploitation Unit/Australian operation uncovered a number of prominent male offenders involved with an international boys' association who were travelling to both Thailand and the Philippines and having sexual relations with Asian boys, the same age as those normally committed to their care in the youth organization ... Given the low cost of labor generally in Asia, a holiday for an average Australian tourist can be very cheap if not competitive with having a holiday within Australia. Unfortunately, what has emerged in the tourist boom is the black market for children to become prostitutes and be at the whim and call of wealthy westerners.*

The Australian Federal Government's proposal to charge Australians who indulge in such behavior outside Australia has now led to an extra-territorial law on the subject. This innovation of "extra-territoriality" is in line with various countries (most recently New Zealand) that are extending jurisdiction to apply to the misdeeds of their nationals abroad. Interestingly, the federal police has liaison teams in Thailand and the Philippines which cover drug trafficking but which can also be used to cover child exploitation.

There are many national initiatives conducted by non-governmental organizations. A wide range of non-governmental organizations are operating at the field level to attenuate the root causes of child prostitution and to offer help where the problem exists. Projects include helping families in social development, hot lines to help children in difficulty, and emergency homes and shelters for abused children. Even if such efforts are drops in the ocean, they cause significant ripples in terms of advocacy and

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consciousness raising. Yet, their work is daunted by the huge scale of the problem and the lack of sufficient funds and resources. Where NGOs are able to initiate projects, there is at times insufficient coordination with other non-governmental and governmental counterparts, thereby rendering their operations piecemeal rather than comprehensive. They also are faced with the question of how to sustain their efforts on a long-term basis and how to generate a pool of funds. In several settings, their initiatives are not helped by the lack of incentives from Governments, especially as the latter may be wary of them or may refuse to yield to their request for tax exemptions or other incentives.

From the angle of the community, it may be noted that participation of the community and of the children themselves has not been maximized in many countries. This weakness fails to respond to the truism that child prostitution is a community problem and the community should be activated to help prevent the problem as well as to provide remedies. This is evident in the areas of child protection and law enforcement. The police alone do not have sufficient personnel to tackle the problem where it is extensive. The involvement of community leaders, including religious leaders and politicians, is also imperative. In England, some 200 Members of Parliament recently joined in a campaign against child exploitation under the banner of Eyes Campaign against Child Exploitation.

This implies that it is the community itself -- the civil society -- which should take vigilant action, such as forming child protection groups or forms of "community watch." Likewise, one should not underestimate the role of prostitutes and child victims of prostitution. Often it is they who may provide the channels to reach other children who are caught in the underworld. Indeed, ex-prostitutes and ex-child victims may become role models for others in the process of rehabilitation and adaptation to a new life.

Future Action

The analysis above has provided an array of initiatives both at the international and national levels to tackle the issue of child prostitution. Some have been more successful than others. For the future, the following priorities require particular action:

1. There needs to be more effective anti-poverty measures, improved flow of information, universal access to education and an equitable socialization process to counter exploitation and discrimination. These go hand-in-hand with community consciousness-raising and mobilization against the victimization of children in prostitution, availability of and access to basic necessities, occupational opportunities, and subsidies for families and children facing economic difficulty as part of social protection.

2. Networking and the broadening of anti-crime measures to counter child prostitution should be promoted. All countries already have laws which can be used to protect children from exploitation. They require more effective enforcement. Some laws need to be improved, e.g., laws which discriminate against women and children and which place them in the hands of the exploiters. This is all the more significant as the scenario is that of criminality and it is only through effective law enforcement and reform that the problem will be reduced in the short term.

3. As reliance upon traditional law enforcers, such as the police and inspectors, will never be adequate -- because we have to deal with pervasive and systemic criminality -- community participation needs to be maximized to protect children as part of community or neighborhood watch programs and related volunteer corps, including an alliance between villagers, religious leaders, teachers, doctors, youth-child groups, women's groups, local leaders, parliamentarians, the media, the business sector and non-governmental organizations.

4. The issue of improving the quality of law enforcers -- the police, immigration personnel, judges, inspectors, etc. -- should be addressed. Low pay, poor selection process and insufficient training concerning child rights

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often result in weak law enforcement and corruption. The good officials need incentives and in-service training for quality performance, while those who indulge in malpractices should be penalized for being part of the criminal system.

5. The responsibility of the customers and their abettors in child prostitution needs to be highlighted by more national and international campaigns. This implies the call to incriminate the customers of child victims of prostitution. The law should also be extra-territorial in scope so as to cover the misdeeds of one's nationals when perpetrated against children in other countries. It could be bolstered by extradition and other cooperative arrangements between countries to counter the criminal system that profits from children. Child prostitution should also be classified as an international crime over which all countries have universal jurisdiction.

6. Exchange programs between law enforcement officials and community leaders of different countries should be fostered, with concomitant training, to counter the transfrontier traffic in children. Such programs could entail the stationing of police personnel from one country in another country to track the behavior of one's own nationals where there is a threat to the children of the other country. This can be facilitated by exchange of information and data to trace and track pedophiles and criminals who exploit children.

7. The provision of remedies should be improved so as to help child victims of sexual exploitation. These may include increased prosecutions, compensation, legal aid and assistance, confiscation of the assets of the exploiters and reuse of those assets for child protection and assistance, and socio-medical and psychological remedies, such as access to counseling, hot lines, hospices, half-way houses, and other support facilities. These should cover community care and help, and mobilization against new forms of discrimination, such as discrimination against those with HIV/AIDS.

8. When children are trafficked across frontiers, their true age should be ascertained by independent monitoring. If they are to be returned to the country of origin, their safety must be guaranteed. Pending their return, they should not be treated as illegal immigrants by the receiving countries but should be dealt with humanely as special cases of humanitarian concern. Upon the child's return, the country of origin should treat them with respect, bolstered by adequate family-based and community-based reintegration.

9. Sex tourism, both local and international, needs to be lambasted more strongly by broader community networking and related laws and policies against such practice. The business sector, including the tourist industry and the service industry, should encourage more accountability of its own members in this regard. Peer group pressure should help to reprimand those in the same sector who are or might be involved with child prostitution. Measures are also required to counter the use of computers and other new technology for the purpose of child sexual exploitation; this requires more cooperation from the computer and technology industries to act as a watchdog against those who might otherwise use their products for exploitative purposes.

10. The cultural and traditional practices that lead to child sexual exploitation need to be tackled by long-term community mobilization and a broad educational process, coupled with incentives and sanctions aimed at behavioral changes for the sake of child protection. This is particularly pertinent to those parents, families and/or communities that profiteer from child prostitution. The issue of child sexual exploitation should also be raised more openly in the classroom, coupled with more access for all children to at least the sum total of primary education, so as to forewarn and protect them from the dangers that may lurk in the world beyond.



## 2. CHILD PROSTITUTION IN LATIN AMERICA

Dorianne Beyer

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For the big picture of Latin America, let us start out with some of the numbers. For comparison's sake, there are about 100,000 child prostitutes in the United States. In Brazil, there are 200,000 children and adolescent prostitutes; 25,000 in the mining towns, and 5,000 in the town of Belem. In Costa Rica, there are over 2,000 child prostitutes in San Jose, the capital city. And in Peru, it is estimated that about half of the one million adult prostitutes are in fact minors working with false identification cards. The numbers are obviously not as important as the denial of the rights of any one of these children.

Regarding the ages of these children, the average age is somewhere between 13 and 17. There are cases of children as young as six or seven documented in Brazil.

What are the general trends? What can be said from a macro view of child prostitution in Latin America? One thing that can be said is, unlike in Asia, there really are no government programs in Latin America. The programs that exist, by and large, are NGO programs. There are, for example, Catholic Church programs. There are no government programs for child prostitution in Colombia, Uruguay, the Dominican Republic, Ecuador, Mexico, Guatemala, Nicaragua, Chile, or Peru.

Some, but not all, of these nations have laws against pandering. They have laws against pimping. But they have no laws against child prostitution *per se*. However, law is but one means by which to attack or even assess the child prostitution problem in any particular area.

Another general trend regarding child prostitution in Latin America is, of course, generalized poverty. Although it is no justification, poverty is in fact a well-spring from which child prostitution grows and expands.

There are, however, special sociological conditions in most of Latin America that are different and distinct from other regions. One of those distinct sociological conditions is the concept of *machismo*, which affects the culture in most Latin American countries and provides fertile soil for girl child prostitution in particular. How this sociological phenomenon affects the problem of child prostitution is not merely that males are viewed as superior and women as inferior. In fact, the tenets of *machismo* are the bedrock of child prostitution in Latin America, which in the great majority of cases (about 95 percent is the estimate), is the prostitution of girls.

According to the cultural mores of these often rigidly patriarchal societies, not only are men seen as superior, but there is an understood agreement within the society that men have ravenous, uncontrollable libidos and that these libidos are a sign of their strength and their power. It is therefore comprehensible, expected, and accepted by most Latin American societies that men will need more sex than women, and shall have more sex than their marital relations permit.

On the other hand, women, under the theory of *machismo*, are deemed to be by nature passive and much more rooted in family and domestic life. Their sexual urges, needs, and desires are considered to be satisfied by their domestic life, both in terms of their marital sexual relations with their husbands and in the satisfactions gained by the rearing of their children and the running of their homes. Consequently, it is not expected, condoned or ascribed to women in this type of society, that they have the same need, right and desire to go outside of the home for sex.

All of this leads to a situation that not only is oppressive towards women and patriarchal, but inexorably leads, in fact, to violence against women. This permeation of violence against women fuels the female child prostitution situation in most of Latin America. Many female child prostitutes are escapees from family violence and family incest; violence perpetrated by male members of the family against the females, both

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mothers and daughters.

Many of the girls who end up as child prostitutes in Latin American countries have chosen a sexually exploitative life on the streets, rather than suffer continued family violence and male incest in their own homes. Again, this type of society supports and condones such behavior as absolutely indigenous to the aggressive, predatory nature of men and the passive and compliant nature of women.

This is not only because of the strong *machismo* culture in those societies, but is also due to the worldwide trends of oppression of women. But the additional layer of *machismo* in Latin America does create exaggerated forms of oppressive violence towards girls and women as well as traditional societal and familial pressure to produce large numbers of girl child prostitutes. The pervasive occurrence of extreme cases of violence emerges as both a cause and a condition of girl child prostitution.

In Asia, the issue of violence, although real, is not as primary as is documented in Latin America, where child prostitution is really the equivalent of and in fact mainly includes, physical and sexual violence towards children.

Another general trend in the case of Latin America is that data is very difficult to come by. Data is much more difficult to ascertain than for Asian child prostitution for several reasons. One reason is that we are talking about criminal behavior. As is true with any type of illegal activity, it is very difficult to gather reliable statistics on the number of participants in child prostitution.

An additional Latin American aspect that makes data difficult to come by is the pervasiveness of the Roman Catholic church and its teachings about morality, sex within marriage, etc. In addition to the usual secrecy that surrounds illegal child prostitution all over the world, in Latin America there is an overlay on the family level, the community level, and the governmental level, of shame, denial and covertness due to the permeation of the Roman Catholic culture.

Bolivia is a case illustrative of the degenerative effects found throughout Latin America of extreme *machismo*, incest, familial violence and the increased secrecy and shame borne on the dogma of the Roman Catholic culture. Those religious beliefs create a class of girls and women who are seen as "tainted" by shame, and therefore available for prostitution, as the taboos against pre-marital or extramarital sex in Bolivia are not only enshrined in law, but also affect the widowed and divorced. When you add the narrow, circumscribed roles of men and women, as defined by the concepts of *machismo*, a ripe environment for child sex exploitation is created. As women are seen as "bad" once they have extramarital sex or even if they are seen walking in the streets alone, it is not a large cultural leap for men to consider such women as prostitutes or as sexual lures, available to satisfy their enormous libidos. The concept of rape does not exist for these girls and women. Many teen-aged girls who become involved in prostitution are, in fact, runaways from familial violence or incest. Some are sent to brothels by their families. The University of Cochabamba in 1989 found that in its home city alone, there were 20 brothels with about 350 prostitutes, of which half were minors. The average age of these prostitutes was 16.

These observations paint the general, big picture of child prostitution in Latin America. But like any macro view, there are details and differentiations between the countries that deviate from this panorama. For one thing, children get involved in prostitution in different ways in different countries. In Chile, for example, there is a much greater incidence of and relationship between drug use and child prostitution, both as a lure to entice them into the sex trade and to keep them addicted to drugs as an "insurance policy" for their continuance as child prostitutes.

Very frequently, the traffickers and pimps will addict the children to inhalants such as benzene gum and glue. The children taking these inhalants are as young as nine, ten, or eleven years old. They are kept addicted. This is not only a Chilean phenomenon, but is especially notable in Chile.

Peru is also notable for several peculiarly characteristic types of child prostitution. There are over half a million children under 14 years old

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living in poverty in Peru, and it is no surprise to discover that many enter prostitution just to survive. Frequently, older men will engage very young girls (twelve or thirteen years old) in their homes as sex partners, after they have taken them by force from their impoverished country shanties. There is also the phenomenon of the "fleeteo," the young boy of eight to twenty years old, living at home, who prostitutes himself to supplement the family income or to buy drugs or new clothes. Some of these boys sell themselves to men only, while others offer themselves to both sexes.

The Dominican Republic shares some similar patterns with the Thai situation, in that it has sex tourism beaches and beach resorts. The procurer and the trafficker may be the manager of the holiday condominium complex where the vacationing sex tourist understands that the renting of young children as sexual partners is part of the package of "services" offered. These beach resorts procure and permit boys and girls to come into these premises for the duration of the sex tourists' stay.

There is also a particular Dominican Republic permutation on the use of young boys as prostitutes, known as "Sanky Panky" boys. These are beach boys, some as young as 13 years old, who will stay with foreign tourists on the beaches of Boca Chica and Sosua, for example, establishing a relationship with their visitor for years. That is, they will be the sex tourist's annual partner, year after year, for the week or two that the sex tourist is there. The boys are frequently supported throughout the year by the foreign sex tourists, whom they only see once or twice a year. Sometimes there are bonds of affection that are sought and established by both the boys and their exploiters in addition to just sex. This situation is more peculiar to the Dominican Republic than it is to other nations in the region.

In Colombia, there is an enormous amount of violence in the general civil population that is economic, political and criminal, in addition to family-related. As violence pervades the family level, many of the children who are escaping that violence in the countryside move to the city and become easy prey for the procurers of child prostitutes. In Bogota alone there has been a 500 percent increase in child prostitution among children aged eight to thirteen years old between 1986 and 1993. This is due to civil

dislocations, poverty and drugs. Girls as young as eight years old are plying the sex clubs as strippers in Medellin, Armenia, Ibague, Manizales, Neira and Cucuta. With no state agencies to intervene, criminal organizations that recruit and sell boy and girl children into prostitution thrive. Again, the connection between violence and child prostitution is a critical component in Latin America.

Brazil is quite an unusual case and has unique elements that do not exist elsewhere. This is partly due to the large number of small, remote outback mining communities and villages that are not even specks on the map, all over Amazonia in northern Brazil. Young girls, around 15 or 16 years old, are imported like chattel after being lured to these isolated areas by traffickers promising them employment in the canteens and restaurants of the Amazonian mining towns.

They are falsely guaranteed wages of \$100 a week for working as waitresses. They are then taken, by plane, from northern and southern cities and villages to perform their "waitress" duties. When they arrive, the bar owner, saloon keeper or canteen owner tells them that they now have a debt to pay. That debt is charged both for their transportation from their native villages to Amazonia and for their continued upkeep, including food provisions and malaria medicine. It is the classic indentured situation. The girls must work off this continuing and growing debt by prostitution. This is nothing short of slave labor.

This type of forced child prostitution meets every criteria of slavery. The money for their sexual services is paid directly to the restaurant, saloon keeper or the agents who brought the girls there. The girls are further enslaved as they are unable to leave their captors because of the remoteness of the region. There is generally one airstrip in these small outposts. The chartered planes coming in and out are closely monitored, and it is prohibitively expensive to purchase a seat since air service is so infrequent and valuable. There is no commercial aviation available, only the *ad hoc* chartering of private planes. So the girls cannot physically leave and are locked into their exploitation.

There have been reported cases of girls trying to flee and being

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found murdered at the airstrip. So there is no distinction between this type of situation and the usual forms of historic slavery. These girls are there by the dint of their physical isolation, their eternal financial bondage and the threat and actuality of violence should they try to leave. This is not the usual situation in Latin America, as not every nation has large groups of male laborers working in isolated outposts and criminal rings anxious to serve them with mass importations of young girl prostitutes.

There are two other situations that make Brazil notable in any Latin American summary on characteristics of forced child prostitution. One is that there is the same sort of utilization of young girls' sexual services for the benefit of itinerant laborers working at construction sites on large civic construction projects, such as dams, bridges and electric power plants in the interior of Brazil as there is in the mining outposts. Again, the girls are taken there to service the laborers, and again, there is no way for them to get out. So it is not a phenomenon found only in the remote mining communities which have developed in the last couple of decades, but it is also common as a criminal and exploitative adjunct to continuing civil engineering projects. It is therefore no surprise that Brazil has the largest and most sophisticated criminal rings and syndicates to provide these girls for workers.

The other particular element of the child prostitution situation in Brazil is the enormous numbers and preponderance of street children. There may be millions of these abandoned children in Brazil. When you start with that massive a number of "street entrepreneurs," it may be no exaggeration to posit that there are perhaps half a million who are child prostitutes.

Child prostitution in Argentina frequently takes the form of sexual exploitation of young girls, who are hired as cleaners or kitchen help and live in the home of their employers. Usually, these poor fourteen, fifteen or sixteen year old girls are abandoned or are fleeing familial sexual or child abuse. Sometimes, employers will take them to brothels or to the homes of their friends in order to sexually service a wider community. The taint of slavery is also indicated here.

In Costa Rica, there are over 2,000 child prostitutes in the capital

city of San Jose alone. But Costa Rica is notable because its utilizers of child prostitutes are almost entirely foreigners. Like the Dominican Republic, children selling sex are frequently offered to foreign pedophiles as part of a sex tour "package." The interaction between foreign tourists and child prostitution is therefore particularly pronounced in Costa Rica. Additionally, with over 40 percent of Costa Rican families living in poverty, it is predictable that girls as young as twelve years old are sent out by their parents to earn money through prostitution. Some are beaten by their parents for not bringing home a certain amount of money per day to supplement the meager family income.

The comparisons of child prostitution in Latin America with other regions, particularly Asia, are accurate as far as they go. However, there is the particularly ingrained and notable sociological phenomenon of violence against women and the total absence of any sort of power in women, that is pervasive throughout Latin America and has a direct relationship to its child prostitution situations.

As to solutions, I support many of Professor Muntarhorn's strategies. However, the other emphasis that I would propose, particularly since Latin American governments have not been significantly involved in remediation efforts, is the use of global pressure by NGOs, other governments, and aid and trade criteria and agreements to influence Latin American governments to fund prosecution, prevention and remediation programs. On the one hand, there is law and legal enforcement, both of which must be strengthened in this area. But at least equally important, because of the many known difficulties and corruption of law enforcement in this region, is the establishment of the crucial principle that these governments must fulfill their responsibility for designing, funding, and implementing a full array of responsive programs aimed at reducing and eradicating child prostitution. If global pressure can hasten the implementation of that responsibility, then global pressure must be organized.

It is known that many of the effective rehabilitative programs find those who are at risk in the culture before they ever join the ranks of child prostitution. When you talk in Latin America about finding the people who



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are at risk, you are largely talking about mothers. The point of intervention that must occur for the child prostitution situation to markedly improve in Latin America is the rehabilitative social, psychological, and medical support of its mothers. If mothers are turning to prostitution, if they are victims of domestic sexual abuse and violence or if they are victims of incest in their own childhoods, we have now identified many sources of the five-fold increase in the incidence of the prostitution of their girl children. So obviously, the necessary point of intervention must be in the state of women and the way in which they are perceived and treated within the society. Special women's services must be funded to break this cycle of exploitation, so that when they have girl children, they are not further exposing those girls to the obvious deteriorations that result in widespread child prostitution.

### 3. CHILD PROSTITUTION IN THE UNITED STATES

Robert Flores

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The Department of Justice deals with the issue of child prostitution from a law enforcement perspective, and the attorneys in our office deal with actual cases.

By definition, law enforcement is probably the least effective way to deal with child prostitution because we get the cases once there has already been a victim. We get the cases once the damage has been done, and we only get a very few of them.

Under our system, we only have jurisdiction to pursue those cases which involve interstate movement, foreign commerce, or take place on land over which the Government has responsibility, such as Indian reservations, Indian land, military bases, or federal parks. For the longest time, prostitution generally has been considered a local problem. It has taken a substantial amount of time to convince people that this is, in many ways, a national problem and something that we must deal with on a national level.

One of the things that we have learned over the past several years is that child prostitution in the United States does not occur as depicted in "Monday Night at the Movies." It does not always involve a ten year old white girl who is violently kidnapped, beaten and tortured, and forced to work the streets night after night. It does involve thousands and thousands of children who are 14, 15, 16, and 17 years old, who do not have families to go home to, have long arrest records, have a history of drug abuse of one form or another, and have very few social skills that would allow them to function in the world of most Americans. It is very difficult to get them to come into the system or to have them benefit from the system.

### *Child Prostitution in the United States*

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So we encounter, on a daily basis, a lot of culture shock. It is almost as if these kids come from a different place, and that has been a big problem for us in terms of dealing with law enforcement, prosecutors, the courts and the judges. This is a very dark and dirty secret that we have in the United States, but there are a lot of children working the streets every night.

Another mischaracterization, and part of the reason that we do not see more cases, is that everyone is looking for a certain type of case. They are looking for the pimp who operates a stable with 30 or 40 girls, who runs around in a Cadillac wearing funny hats and bright clothing. That is just not the case today.

We have a huge problem on both coasts with thousands of runaway children and throwaway children engaging in prostitution. There are also some children who come from very solid homes who have decided that the street is probably a little bit more exciting. When they leave home, they realize they have bitten off much more than they can chew, and they find themselves either having to admit that they need mom and dad and have to go back home, or take the offerings of pimps and the johns who want them.

So, perception is one of the biggest obstacles that we have in fighting this problem. We do perceive of this as a problem that takes place in the Pacific Rim, a problem that takes place in Latin American and other poor countries, but we must recognize that it is a problem here as well.

Over the past two and a half years, the Justice Department has tried to make substantial efforts to address this issue. We have done that in a number of ways. One of the things we have done is to assemble a team of prosecutors who focus on this issue nationally, in terms of policy, legislation, and trying to convince prosecutors in the field that these cases are important.

I cannot over-emphasize the importance of NGOs, or in this country, the participation of citizen groups and parents. Could you imagine if a law enforcement agency decided not to pursue bank robberies or environmental dumping that was in violation of the law? If that were deliberately done, if law enforcement just simply chose not to look at one of those problems, you

can imagine what would happen, because it happens today. We would have marches in the streets. We would have organizations that are pushing, and the issue would be on the front page of every newspaper.

Al Santoli (of Freedom House) wrote an article for *Parade Magazine* about a year or a year and a half ago, after talking with us about what the Department of Justice was doing on this issue. It was not a very long article but it brought something onto the pages of *Parade Magazine* that had not been there for a while. I know that there were pieces done in *Reader's Digest*, but there simply is not enough information out there to convince the people who need to be convinced that this is a major issue and we have got to commit resources to it. We are not going to get new resources. New money is not going to be found. So that means we are going to have to reprioritize how we spend our money in terms of law enforcement if we are going to address this issue.

One of the biggest problems with child prostitution cases is that they are very difficult to put together. This is one of the things that we have tried hard to remedy. It typically takes months and months after an arrest for these cases to get to trial. In the United States that typically means that the pimp will be back out on the streets and the girls and the boys know it.

Let me add that the boy prostitution problem in the United States is carried out very differently than female prostitution. Most of the boys do not have pimps. You do find exceptions -- there are houses that specialize in boys or in men but most of the boys do not have pimps. They band together in small groups and are physically able to fend for themselves.

The female prostitution problem, whether you are talking about underage girls, teenage girls, or older women, is an industry that is run by pimps who are surprisingly well organized. Not in the way you would imagine a *cosa nostra* or mafia family might be organized, but they do know each other and their phone numbers. They know who the other pimps are in town, and if they happen to be in jail awaiting trial, they can get word to other pimps who will execute some street punishment to keep the rest of the girls in line in their absence.

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So these prosecutions take place over a substantial amount of time, and it is difficult for us to manage our victim. If you watch television reports or movies, your guess is that these girls are more than happy to restore their lives, to go right back into their home, go to school every day, get back to bed at a decent time and get up early. But sometimes those lives are a shambles, or they are bored with that kind of life. These are kids that are used to staying out as long as they want and doing whatever they want, even if they are virtual slaves to their pimps or their profession.

Some people suggest that we should just lock those kids up, put them in protective custody. That seems to me, on many levels, to revictimize a child. So we need to determine how we are going to help those children and how we can ensure that they are available when they need to testify at the trial. That has been a big challenge. I talk to law enforcement officers all the time who say, "Look, these cases aren't worthwhile to me. I make the arrest. The pimp is back out on the street in a short amount of time, and then after two or three months go by the girl doesn't want to talk to me anymore."

We have started to address this problem by putting together multi-disciplinary teams made up of professionals who are experts in the area of social work, medicine, psychiatric health, and law enforcement. These teams know the resources that are available, as meager as they are, and can put the prosecutor or the police officer or agent in contact with them quickly. When you go back to the places that you have come from, talk with your local police, your prosecutors on the federal and state levels, and urge them to put these multi-disciplinary task forces together. We at the Department of Justice are more than willing to assist them in putting those groups together. They are often the only thing that will help us make a case, because it provides a way for someone to worry about the emotions, spiritual, mental, and physical welfare of the child, while we work hard to address the legal issues.

Law enforcement needs to send a convincing message to the general public, the victim, and to the john, and the pimp. Some advocate the passage of laws with very long penalties so that if we find you and we get you, you go away for 10 or 15 years. My experience with that type of

sentence is that there is so much *machismo* involved in the world of the pimp that they do not believe we are going to ever get to them and it is very difficult for us to put the fear of God into them if we only have a case once every several months.

As we try to increase the number of cases, a short but certain amount of punishment often works well. I come from New York City. I was a prosecutor in Manhattan. At the time that I was there, ten years ago, the penalty for prostitution was three days or \$300. The pimps would line up outside the door with their \$300 because they knew their girls could make more than \$300 in a night. It made sense for them to simply pay out their money.

Some cynically said this was the tax that New York levied on prostitution as a way for the city to get its cut. I do not think that is fair because cases are very difficult to put together against the pimp or the prostitute in light of the constitutional issues that exist and the short nature of the penalties. In the neighboring counties, however, the penalty for a conviction was 30 days in jail. This was not a lot of time, but it meant that the pimp lost his girl for 30 days. Many prostitutes, especially the young ones, 14 to 17 years old, can make five or six hundred dollars in a night. So you multiply that times the 30 days and you are talking about a significant loss of funds. Thus, prostitution, although it occurs throughout the New York City area, is rampant in Manhattan. I think that is because the pimps have done the math. They know when they are losing money. They have their girls ply their trade in areas of lax law enforcement.

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We have worked very hard to address the issue of child pornography in the United States. Our section oversaw the latest computer child pornography investigative project that the FBI ran, "Innocent Images," that made the papers about two weeks ago. We have kept the pressure on in every way that we could find.

One result has been that in the North American Man-Boy Love Association's membership publication, members have been advised that they are crazy if they have sex with kids in the United States. They say the government is nuts. It does not understand the need for free love and the ability to experiment sexually and the loving relationships that adults can have with children. So they advise members to go overseas.

I do not think the solution for the United States is the encouragement of its citizens to go to Southeast Asia or Latin America to commit their crimes. But international cooperation is difficult. I am glad to say that we are working with Interpol to address that issue. Twice a year, members from law enforcement agencies throughout the world meet to try to draft model legislation to address these issues. But perhaps most important are the informal relationships.

Now one of the things that was said earlier was that in a border situation, it is a good thing for the town councils and law enforcement of those locations that are right on the border to meet together. So much can be done informally that would take months and months in the way of formal applications, formal extraditions, and letters rogatory that have to be signed all the way up the ladder by the Secretary of State.

Those kinds of protocol, while they are very useful, take a lot of time. And one of the benefits that these criminals -- and I think that is really the way we need to refer to these folks -- have is that time works to their advantage. The longer it takes us to make a case, the better the chance that the girl will move on to someplace else, that we will lose control or that the pimp will reestablish control with that girl. In addition, the more time that goes by, the greater the chances are that a new crime will come up, a new fire will arise that the investigator has to put out, something that is more pressing at the moment.

So time is a major issue. And informal relationships that are made are priceless. With one phone call to someone that you have met at an international conference, you can get real information. You can then decide whether it is worthwhile going through the formal channels and getting certified records to move an issue.

We now have new statutes on our books which address international sex tourism and the creation of child pornography that is destined for importation into the United States. Those are all well and good but they will live or die on the ability of our law enforcement to work well with law enforcement in other countries.

Part of the problem is that the uniformity in laws is a real challenge. In the United States, federal child pornography and most federal laws dealing with minors use the age of 18 as the age at which we have jurisdiction or we lose it. In certain provinces in Canada, the age of consent is 14. So that if someone travels to Canada and has sex with a girl who is 15 years old, we have a daunting challenge. Additionally, we have to prove that one of the purposes of the individual's travels to Canada was to engage in that sexual activity. It cannot simply be a mere incident to the travel.

Conduct which is a crime in the United States is not necessarily a crime in other countries. For instance, in certain European countries, the creation of pornography which does not involve ultimate sex acts, things that you would clearly recognize, intercourse, masturbation, fellatio, things like that, do not constitute child pornography in foreign countries. In this country we have a prohibition against the creation of material which involves the lascivious exhibition of children's genitalia. This also may not be a crime elsewhere. Therefore, extradition may be impossible on that basis alone.

We still have a substantial amount of work to do in this area, but I think enormous progress has been made. Over the last two and a half years, for the first time, we have really focused the efforts and the resources of the Justice Department on this issue. We are seeing



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prosecutions in areas where we have not seen them before. I want to tell you briefly about a case in Hawaii because I think it is instructive.

Two years ago, after talking to a number of people in the United States who are familiar with this problem, the Justice Department put me on a plane and said, "Okay, look, we'll pay for you to go. We want you to actually gather information, talk to people, meet people." It was in many ways a fact-finding tour.

Some people would say, "Well, it's just a junket. Gee, the guy gets to go from Washington to Vancouver and then down to Hawaii. Good fun. That's a great job if you can get it."

Well, that trip took place going and coming in five days. Those of you who are familiar with international travel and those kinds of time zones realize that it is a little difficult, but I had a chance to sit down and actually meet with the police officers who do vice prosecution in Vancouver. They know the American kids who come over to be prostitutes and more importantly, they know the children from their country who are taken by pimps in Canada down through Seattle or Portland into California and then ultimately to Hawaii, which is sometimes used as a jump-off point to take the girls into Japan or other far-eastern countries.

After the discussions I had with law enforcement, the Child Advocacy Center in Honolulu, and Honolulu police, we finally determined that this was a problem. Because I was able to put people together to talk to each other, they were able to put together a case against a pimp who specialized in girls who were 14, 15, and 16.

Initially, the Honolulu Police Department refused to assist on a case with one young lady from Canada who was working in Hawaii. So the family, the mother and father and some of the brothers got on a plane on their own money, flew down to Hawaii and spent a couple of nights looking for their kid. They had her picture and with the assistance of someone who is an advocate in this area, they tracked her down and brought her home.

This young lady agreed, after contact by the Vancouver Police

Department, to cooperate with us and we were able to bring a successful case. The pimp pled guilty in the middle of the trial because the evidence was so overwhelming. The story carried a lot of publicity on the island and in Vancouver but unfortunately, probably little coverage elsewhere. But the message was sent, to the local community at least, that this is an issue to which we are willing to commit resources.

If we are going to do a credible job, however, we need the assistance of mothers and fathers and teachers and principals out there, folks like yourselves who represent groups who are interested in this issue. There has to be a recognition that this is in fact not a victimless crime, and that it is a crime if the girl is 14 or 15 years old, not just if she is eight or nine, because most of the prostitutes in this country who work the streets are not eight or nine years old, and there is no shortage of prosecutions when those cases are found. In fact, prosecutors fight over them, quite frankly, because they are wonderful cases to prosecute.

We need to make sure that prosecutors and law enforcement agents are fighting over cases where the girls are 14, 15, 16, and 17 years old. That will send the message that I think is necessary for us to convince children, not only that they should cooperate and seek help, but that help would actually assist them in moving out of these lives. Kids are not doing this work because they have options to become doctors or lawyers. They are doing this because, as far as they are concerned, this is their only option. And unless we recognize that and recognize that we are dealing with a very difficult population, we are not going to be able to make the progress that I think is necessary in this area.



**PART II: RESPONSES TO CHILD  
PROSTITUTION**

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# 1. THE ROLE OF THE INTERNATIONAL LABOR ORGANIZATION

Panudda Boonpala

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What is your immediate reaction when you read a newspaper or watch a television program about children in prostitution?

- About ten years ago, I was shaken by an incident in my own country. A brothel in a province in the South of Thailand caught on fire, and a young girl was killed because she had been locked up and had no way to escape.

- Five years ago, "Pom," a fifteen year old girl and victim of child prostitution, was rescued by police and the Center for the Protection of Children's Rights. The medical examination reported that "Pom" had contracted AIDS.

- Last year, a child prostitute, age 15, escaped from a brothel and went to seek help from the police. Later on she committed suicide.

These are some of the tragic cases that appeared in the media. There are actually thousands of cases of this kind, but most are hidden and never heard of.

On the positive side, "Ayi," at the age of 16, talks about helping other girls in her village so that they do not become victims of prostitution. "Ayi" comes from the Akha hill tribe in the North of Thailand. In her village many people are addicted to heroin, and most of the girls have gone away to work as prostitutes. "Ayi" is one of the girls benefiting from the education program provided by the Daughters' Education Program, a non-governmental organization in the North of Thailand.

## *The Role of the International Labor Organization*

Over the years, I have realized that fighting against child prostitution is a big battle, because the problem is complex and widespread in many countries of the world today. According to "End Child Prostitution in Asian Tourism" (ECPAT) and various other sources, the problem is alarming throughout Asia, particularly in Korea, Thailand, the Philippines, Sri Lanka, Vietnam, Cambodia, Nepal and others. ECPAT estimates that at least one million children in Asia are victims of different forms of sexual exploitation.

My presentation will concentrate on three main areas: first, on children in prostitution in the context of forced labour; second, on the response of the International Labor Organization (ILO), which includes the related ILO Conventions and its technical cooperation work; and third, on the concrete experiences of the International Program on the Elimination of Child Labor (IPEC Program) and our future plans of action.

### **1. Forced labour of children: children in prostitution**

All forms of child labour could be considered forced labour since children are rarely in a position to give free "consent," and most aspects of their lives are determined for them by adults. But there are millions of children working in conditions which are considered forced labour because they are specifically coerced.<sup>1</sup> Most of them are not in a position to defend their rights. Children in prostitution fall into this category, because they are lured and recruited by traffickers within their own countries and across the borders. They are offered lucrative "work" in cities but end up in the underground brothels. They are sold by their parents who are addicted to drugs, or they are working on the streets and end up with foreign pedophiles.

Often, the children who are victims of prostitution belong to poor, illiterate and socially disadvantaged and excluded groups. Prostitution for children means severe physical and emotional abuse and a high risk of contracting diseases, particularly AIDS. These children can rarely seek help or be reached, because child prostitution is criminal by nature and hidden

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<sup>1</sup> *World Labour Report (Geneva: International Labor Organization, 1993) 17.*

from public view. Case studies and testimonies of many children in prostitution speak of a trauma so deep that the child is unable to return to or re-enter a normal way of life. The conditions the children must tolerate are tantamount to forced labor.

## **2. The ILO Response to Forced Child Prostitution**

### **2.1 ILO Convention 29**

Because of the conditions described above, the ILO has made a firm commitment that child prostitution cannot be tolerated, and all efforts must be made to bring an end to the practice. This commitment is reflected in Convention 29 on forced labor, which was adopted in 1930. The aim of this convention is the suppression of the use of forced labor in all its forms. It states that the illegal exaction of forced or compulsory labor shall be punishable as a penal offense. "Forced or compulsory labor" is defined as all work or service which is exacted from any person under the menace of any penalty and of which the said person has not offered himself or herself voluntarily.

The ILO Committee of Experts on the Application of Conventions and Recommendations (Committee of Experts) first took the issue of children in prostitution specifically into consideration in the context of forced labour in its 1985 report. In addition, in its 1992 report to the International Labour Conference, the Committee of Experts identified the use of children as one of the worst forms of forced labor. Be it child prostitution or child pornography; in factories, sweatshops, brothels, private houses or elsewhere; the situation should be exposed and the individuals responsible severely punished.

The application of Convention 29 has not been promoted in isolation. It is linked to a number of other international standards. These include, among others, the Slavery Convention (1926), the Abolition of Forced Labor Convention (1959), and the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949). In addition, ILO Convention 138 (1973) on Minimum Age for Employment of Children prohibits the employment of children in hazardous



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work.

The most recent standard, the Convention on the Rights of the Child (1989), reaffirms the existing principles of the previous Conventions. It requires countries to: a) provide for the protection of the child from economic exploitation and from performing any work that is likely to be hazardous; b) take measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form; and c) protect the child against all forms of exploitation.

In addition to the promotion of the application of the international standards, the ILO provides technical assistance to member countries who are committed to tackling problems such as child labor and child prostitution.

### **2.2 The International Program on the Elimination of Child Labour (IPEC)**

The IPEC program was established in 1992 as a technical cooperation arm of the ILO in the area of child labor. IPEC's aims are to support member countries in implementing their national policies and programs in order to contribute to the elimination of child labour. The priority of the IPEC program is to find solutions to the most serious forms of child labor such as bonded child labour, forced child labour, slavery practices and various other forms of hazardous child labor, including children in prostitution.

IPEC programs are implemented with the technical support of various experts at ILO headquarters, including staff from the Statistical Department, Labor Administration Branch, regional and sub-regional offices, directors of respective area offices, as well as members of Multi-Disciplinary Teams. A National Program Coordinator is appointed to coordinate the program's implementation in every country where IPEC operates.

The main areas of IPEC work include the following:

- Supporting the preparation of a National Program of Action against Child Labor, containing multifaceted intervention such as policy development, strengthening of law enforcement, awareness raising, and taking direct action with the target group themselves.
- Conducting situational analyses of the problem in specific sectors, locations, or at the national level, e.g., a national child labor survey.
- Mobilizing governments, workers' and employers' organizations and NGOs to take part in implementing the National Program of Action.
- Developing and implementing demonstration projects at local and national levels.
- Conducting consultation at the policy-making level in order to review progress and obstacles and identify strategies to improve the implementation of the program and to integrate successful programs into national policies and budgets.

The IPEC program has been operational for four years. At present, there are 11 countries participating in the program, including Bangladesh, Brazil, India, Indonesia, Kenya, Nepal, Pakistan, Philippines, Thailand, Tanzania and Turkey. By next year, several other countries in Central and Latin America will also join the program. Experiences so far have been extremely encouraging. There has been a breakthrough at the political level with much of the "sensitive" attitude being overcome. In situations where sensitivities continue to exist, there is nevertheless more readiness to discuss problems and intervene.

At the technical level, IPEC has gained experience in implementing different types of interventions with different groups of child labour. IPEC has worked on data collection at the micro and macro levels, developing preventive programs at the community level, strengthening of law enforcement capacity, and creating social awareness at the national level. At the social level, there are many actors who are ready to support action against child labor and forced child prostitution.

### **3. IPEC Experience in the area of children in prostitution**

Existing knowledge tells us that children who are victims of forced labor and slavery conditions have gone through traumatic experiences. To cure or rehabilitate them is extremely difficult. IPEC is therefore developing different types of action programs with partner organizations that aim not only at eradicating the practices but also at finding the right strategies to prevent the problems from occurring in the first place. This means that we have to operate with various short term measures and a long term goal.

At present, IPEC is supporting programs to tackle child prostitution in Thailand and the Philippines. In the future, additional programs will be implemented in Nepal and at the sub-regional level.

#### **Thailand**

The problem of forced child prostitution in Thailand has been very much in the context of regional trafficking. Recently, there have been increases in trafficking of women and children into Thailand from neighboring countries.

Prior to the implementation of IPEC activities in Thailand, the main strategies applied to the problem of child prostitution involved the rehabilitation of rescued victims. It was soon realized that rehabilitation alone was not sufficient, and concerted efforts to tackle the initial pressures which force children into prostitution were needed. Rescue operations and rehabilitation continue as well as various preventive programs developed by both governmental and non-governmental organizations over the last two years. Ongoing action includes legal action against traffickers, brothel owners and procurers, the provision of educational opportunities and alternative education, skills training, and

income generation, as well as the education of children, parents and community leaders on the effects of forced child prostitution.

In addition, IPEC in Thailand supports the work of a NGO, the Daughters' Education Program (DEP), which has developed a preventive program at the community level. With the support of IPEC, the DEP provides alternative education -- a combination of non-formal education, skills training and leadership training among girls at risk. The client group includes girls belonging to or living nearby families of former prostitutes, girls from broken homes, girls from families with debts, and girls from families of drug addicts. Many of these girls' parents eventually become convinced that other options are available, and that their daughters are capable of developing skills and of getting decent jobs.

Though the DEP program is small, when I was serving as the IPEC National Program Coordinator in Thailand I felt that it deserved recognition and technical support from the education authorities in order to expand and improve its operations. I therefore introduced DEP to the Non-formal Education Department of the Thai Ministry of Education. As a result, the DEP is now officially authorized as a community-based non-formal education center, and receives technical support from the Department of Non-formal Education. In the future, I hope that the DEP will get financial support from the Non-formal Education Department.

About a year ago, the Ministry of Education started to provide thousands of scholarships to girls at risk in eight northern provinces of Thailand. A few hundred of them are studying in the Ministry's boarding schools. During one of my conversations with the Permanent Secretary of the Ministry of Education, I was told that some girls had dropped out. I visited one of the schools and could understand the reasons why they dropped out. I proposed to the Ministry that IPEC could support the Ministry in reviewing the school curriculum and teaching environment, in order to make them more relevant to the problems and needs of girls at risk in the Northern region of Thailand. With the results of the review, the Ministry will revise the curriculum and the teaching environment. We believe that, as a result of this project, a large number of girls at risk in the near future will receive education that guides their future careers.

## *The Role of the International Labor Organization*

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IPEC recently proposed to the Governor of Chiang Rai the development of a provincial program to prevent child labor and children in prostitution. In the proposed project, teachers, NGOs, police, local district chiefs and various other actors would cooperate with each other at the district and provincial levels. The Governor responded favorably. Within the next two years, with the additional support IPEC receives from the United States Department of Labor's Bureau of International Labor Affairs, we hope to develop a solid prevention program at the provincial level with a strong operational network at the district level. What I mean by "a solid preventive program" is systematic monitoring of the problem in all districts, a good coordination of strategies, and the use of resources in preventing the problem. At the same time, IPEC should be able to extend its program to the Mekhong Basin countries in the near future.

### **Philippines**

Prior to the implementation of the IPEC program in the Philippines, tremendous work had been done in community mobilization and awareness raising. IPEC supplements ongoing activities in two main areas: the strengthening of law enforcement and the improvement of rehabilitation programs. STOP Filipino Trafficking, a NGO active in advocacy and lobbying for legislation to protect women and children, has implemented an action program with IPEC's support to strengthen law enforcement through advocacy programs. The action program consists of seminars and symposia among judges, prosecutors, police, local government officials, and community practitioners in nine provinces of five regions. Following each forum, televised discussions are organized to further inform the public of the issue and the existing legal system.

Because the problem has existed for a long time, and a large number of children in the Philippines have been victims of prostitution, there is an obvious need for rehabilitation programs. Experience in the Philippines, similar to that of Thailand, has found that rehabilitation of victims of child prostitution is very difficult, and the rate of success is very low. This is due to the fact that the trauma that each child victim suffers is very deep, and there is a scarcity of professionals and individuals with the requisite skills for rehabilitation programs.

IPEC has supported action-oriented research, conducted by the International Catholic Children's Bureau in the Philippines, in order to improve the rehabilitation programs for child victims. The research hopes to achieve a better understanding of the value system of the children, develop and implement training programs for care-givers, and establish monitoring and assessment mechanisms to determine whether the rehabilitation programs are giving the victims the care and nurturing they need.

### **Nepal**

In Nepal, forced child prostitution is related to the trafficking of girls across the border into India. IPEC started preparatory work in Nepal earlier this year. I was in Nepal last month to take part in the preparation of the National Program of Action, which includes the prevention of child prostitution and the trafficking of girls as one of its objectives. Preventive programs at the community level are being initiated for implementation in 1996-97. These programs will mobilize local police, teachers, youth and community leaders to play an active role in monitoring trafficking movements. In addition, various types of alternatives for the children, including non-formal education, skills training, and family income generation will be developed and implemented at the community level, along with awareness raising programs.

As I mentioned earlier, several countries in Latin America are expected to join the IPEC Program in the near future. At that time, we will explore the feasibility of developing preventive programs on child prostitution in Latin America.

The trafficking of girls across the borders is becoming visible in the Asian region, and the conditions faced by victims who end up in foreign countries are very severe. This is why IPEC plans to conduct research in several Asian countries to determine the nature of the trafficking and the conditions of the victims. The research will be conducted in both sending and receiving countries in order to develop a program of action at the regional or sub-regional level. In this way, we can encourage countries who share this problem to identify common strategies and solutions.

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Lastly, at the international level, the ILO supports the preparation of the World Congress on Commercial Sexual Exploitation of Children, to be held in Sweden in August 1996.

## 2. A NON-GOVERNMENTAL ORGANIZATION PERSPECTIVE

Ladda Saikaew

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The Development and Education Program for Daughters and Communities (DEP) is a non-governmental organization working in Chiang Rai, the northernmost province in Thailand. Chiang Rai is predominantly rural with approximately 1.2 million people engaged in rice and other farming. While the population is mainly Thai, other ethnic and hill tribe groups (such as Akha, Lahu, Lisu, Mien, Hmong, Karen, Shan, Thai Leu and Yunnanese) also live in the area and generally have a poor standard of living.

The aims of DEP are the following:

1. To prevent girls at risk from being forced into the sex industry due to outside pressure and a lack of educational and employment alternatives.
2. To improve the material, social and spiritual quality of life for these girls and their communities.
3. To encourage girls, especially those from hill tribe villages, to be proud of their culture and customs.

DEP currently receives support from UNICEF, ILO (International Program for the Elimination of Child Labor), Japanese Office of Development Assistance, Australian Agency for International Development, DANIDA, Asian Children's Fund and other agencies and private donors. The program was established in 1989 and operates from six different sites in the province with headquarters in the town of Mae Sai, on the border with Burma.



## *A Non-Governmental Organization Perspective*

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### **Nature of the commercial sex industry**

There is a high level of patronage of commercial sex workers by nationals and foreigners in Thailand. There is a disproportionately large representation of young northern and northeastern women among commercial sex workers. Many are girls aged from 12 years and in some cases even younger. Women in their early twenties may therefore have been engaged in prostitution, intermittently, for up to 10 years.

An informal survey of the number of brothels in Mae Sai over the five years from 1989 to 1994 revealed:

<b>Year</b>	<b>Number of brothels</b>	<b>No. of sex workers</b>
1989	38	250
1990	unknown	unknown
1991	42	289
1993	52	318
1994	26	200

In 1994, women from hill tribes or other ethnic minorities in Burma made up approximately 80 percent of those working in brothels in Mae Sai. Women from Thai hill tribes or other ethnic minorities made up approximately 17 percent of that population, while Thai women made up only three percent of brothel workers in Mae Sai in 1994.

Commercial sex workers are found not only in brothels but in many types of establishments. These establishments often house legitimate business activities but also offer the services of commercial sex workers.

Examples of these types of establishments include restaurants, where boys and girls wait on tables but may also be available to keep the customer company in the restaurant or be rented by the hour or night. Domestic workers or baby sitters may also be expected to provide sexual services to the employer and his friends. Beauty salons, in addition to their traditional beauty services, may provide private rooms for commercial sex work or a telephone service through which customers request sex workers to visit their hotel or home. Young women in bars, cafes, pool clubs, game rooms or karaoke establishments are often available to keep customers company and may also be rented by the hour to accompany customers elsewhere. Some massage parlors offer "modern" massages that involve some form of sexual service. In music pubs, young women perform singing and dancing for clients and are also available for rent. Young women who work as caddies on golf courses and on the driving range may be available for rent to provide sexual services. Young women are often available in guest houses, hotels or motels to provide room service or to act as a "friend" to the guest for the period of their holiday. Tourist agents or trekking companies may also offer young women as companions for the duration of the customer's vacation.

As can be seen from these examples, the commercial sex industry is well integrated into other aspects of business life in Thailand, and entry into sex work can occur through other forms of employment. Child prostitution must therefore be considered in the context of the labor options available to young people generally.

### **Recruitment into the Sex Industry**

Recruitment often takes place through relatives, neighbors, or friends who are already working in the industry and return home to invite younger women to join them. Brothel owners in Chiang Rai, Chiang Mai, and the south of Thailand also have well-established networks of agents. These people systematically target families who are undergoing economic hardship and other difficulties in order to convince them to sell their daughters for much needed cash.

Recruitment of young women into the commercial sex industry

### *A Non-Governmental Organization Perspective*

tends to occur in pockets, i.e., in a particular village or even certain streets within a village. It marks an acceptance, tacit rather than explicit, within the community that it is acceptable for young women to enter prostitution because of the perceived financial rewards.

#### **Cross Border Trafficking**

While the Thai-Burmese border is currently officially closed, Mae Sai and surrounding villages act as a funnel for the trafficking of labor from Burma and southern China. Elsewhere in the province, it is easy to cross from Laos into Thailand. The economic and political conditions in neighboring countries make Thailand a desirable destination for many people. Thailand is also used as a conduit for traveling into other countries. The relationships and movement of people among these countries will increase as closer economic and trade relationships develop in the region.

Some women make their own way into Thailand while others are recruited by agents. People from Mae Sai (who may have Burmese identity papers or speak Shan) go into Burma and Yunnan (China) to find young women in remote hill tribe villages who they sell to agents in Chiang Rai.

#### **Involvement of Family, Government Officials, and Local Business**

Many people benefit from the recruitment of young women into the commercial sex industry (*see* Exploitation Spiral diagram on page 71). The majority of recruitment occurs with the support of parents. Although there are reported cases of young women being kidnapped for commercial sex work, they are in the minority. Family support stems from the view that the daughter will be able to contribute to the household income and the purchase of desirable consumer goods.

Traffic on the main roads in Chiang Rai Province is closely monitored by the police, who demand to see the identification papers of young people and those whom they suspect are not Thai citizens. For young girls to travel from their village, or through Mae Sai, there must be a degree of complicity from village headmen, police and government officials. These groups can make large profits by assisting in the movement of young

women through providing transport, allowing passage through a roadblock, and issuing false identity papers.

Owners of other forms of businesses may also benefit from the stimulus that the presence of the sex industry provides to commerce as a whole. In the south of the country, many Malaysians cross the border and travel to Hat Yai, Phuket and Surat Thani for the weekend. They are attracted by the open availability of commercial sex. While in Thailand, they use other services such as hotels, taxis, and restaurants and bars and buy other products in the markets and shops.

### **Identification of Target Groups**

Young women at risk of entering commercial sex work are identified through consultation with local teachers and other community leaders such as monks. These referrals are followed by interviews with the girl and her family. Case studies are then screened to determine which girls will be offered places in the program. In 1995, 130 girls were accepted out of a total of over 400 referrals.

Over six years of experience, the major risk factors, in order of importance, have been identified as the following:

1. The girl is about to complete primary school and is therefore considered to be of a suitable age and no longer legally required to go to school.
2. An older sister or relative is already involved in prostitution.
3. The girl has been expelled from school or is not interested in continuing education or what she sees as hard work, but wants to have money and nice clothes and to follow her peers.

### *A Non-Governmental Organization Perspective*

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4. The girl's parents have separated or divorced (especially if one or both partners have remarried).
5. One or both of the girl's parents are dead, and she is living with relatives or friends.
6. One or both of the girl's parents are drug addicts, alcoholics, or compulsive gamblers.
7. The family is living in a village where there is an established tradition of girls entering the sex industry.
8. The family is living in extreme poverty; for example, they are landless and depend on erratic, casual work for their income and/or are in debt to the bank or moneylenders.

From this list, it can be seen that poverty alone is not considered to place a girl at risk. It is rather the level of family dysfunction and cultural acceptance of child prostitution that pose the greatest threats.

#### **Activities of the DEP**

DEP is currently conducting the following projects:

1. Educational Sponsorship. DEP supports 230 girls attending primary and secondary school in six districts of Chiang Rai province. They have all been identified as being at risk of entering prostitution. Most girls live at home but attend extra-curricular activities at the DEP Centers. Others live at the Centers because they are considered too vulnerable to live at home or have no suitable person to take care of them.
2. Vocational Training. DEP conducts vocational training programs in sewing, weaving, and gem cutting for 90 girls, most of whom also study at non-formal schools on the weekends.
3. Youth Leadership Training. DEP supports 20 girls who have already left school in continuing their education through the non-formal education

system. They also participate in personal and leadership development activities and work experience with a view that they will be future community leaders.

4. Non-formal School for Young Children. DEP sponsors day care and instruction in basic literacy for children from very poor and troubled families who have no nationality or identity papers and therefore have difficulty enrolling in the formal education system.

5. Information Center. Through the Information Center, DEP disseminates information about problems which affect children in the North, through girls doing their own research and producing a newspaper, puppet shows and other forms of media.

6. Training and Education for Parents. DEP provides a revolving fund through which parents can borrow money for small-scale income generation schemes such as growing fruit and vegetables. This year, the program has begun training parents in simple forms of income generation, such as cooking food for sale at the market.

### **Distinguishing Features of DEP**

The work of DEP is based on the following principles:

1. Information. In order to respond to child prostitution, it is essential to gather detailed information regarding the patterns of sale and trafficking in the area. This facilitates pinpointing particular communities where greater risk exists. This research is conducted through formal and informal contact with villagers.

2. Prevention. It is more effective to supply alternatives to girls before they enter prostitution rather than providing rehabilitation afterwards.

3. Education. It is essential to provide young people with a variety of educational alternatives so that they can develop skills and explore alternative avenues of employment.

### *A Non-Governmental Organization Perspective*

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4. Personal Development. As well as attending school, youth need to participate in activities that encourage them to learn about social problems which affect them, think for themselves, develop their own values and make decisions about their own future.

5. Participation. In order to deal with the problem of child prostitution, the whole society must be targeted, not just the child at risk and her family. It is essential to form alliances with government officials, teachers, and community leaders such as village headmen, monks, and parents, to work together in addressing the problems of children in the area.

6. Community Strengthening. Villagers also need help to improve their financial well-being through training and assistance with local income generation schemes.





### 3. THE ROLE OF THE MEDIA

Gilberto Dimenstein

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My interest in child prostitution started in a city called Recife, in the northeast part of Brazil, in January 1990. It was there where I collected some of the most shocking reports of my journalistic life. Facts so shocking that they sent me 50 years back in time and across the Atlantic Ocean, bringing back images of the Jews slaughtered in World War II that occupied my childhood education.

Supported by *Folha de São Paulo*, the largest and most influential Brazilian newspaper, and UNICEF, I traveled throughout Brazil searching for data that would confirm the systematic assassination of children by the police and extermination groups. While investigating violence against girls, I ended up learning about child prostitution.

A project called "Casa de Passegem" (Passage House) was created to shelter child prostitutes in Recife. It is one of the few Brazilian institutions to offer care for these children. This project recorded a very common method of inducing miscarriages among the young prostitutes, called "pesada" (stamp or big foot). This method was as simple as it was cruel: a pregnant girl asked a friend to kick her violently in the stomach. Deeply distressed by this discovery, the lawyer Ana Vasconcelos, who runs Casa da Passagem, interviewed the girls in order to find out how and why they were using this method to abort the fetus. Then she found out something even more cruel: the girls had learned this method through police brutality. Many of them had miscarriages after police officers kicked them in the stomach.

The ongoing discussion when we talk about prostitution in Brazil is, essentially, the role the press plays as human rights monitors, and how what we Brazilians call social apartheid can be reduced.

What we usually see, and not only in Brazil, is a deeper concern by the press regarding the rights of those groups who are more powerful and better organized, because, generally, they are the readers, consumers, and advertisers.

To our generation of Brazilian journalists, who have lived under a military regime, human rights were the rights to read books, create political parties and write without censorship; never the rights of those who were poor.

Child prostitution is the most fragile point in what I call the "law of the social cowardice." Society is more perverse towards those whom it should protect. The child prostitute synthesizes the dramas of being poor, female, child, and most of the time, black.

Being among those children made me hear one of the deepest thoughts I had ever heard during all my journalistic career. One of the girls, who was eight years old, told me the story of her life -- a life punctuated by rape, violence, outbreaks of depression and suicidal obsessions. At the end of the interview, she asked me, "Is it possible to be born again?"

With the release of my book, *Brazilian War on Children*, I realized that I was making the same mistakes as society, the press, and especially the powerful individuals: I was paying little attention to the violence committed against girls. One of the dimensions of this violence is prostitution.

I tried to interest some female journalists to get involved with the subject. I did not consider this an ideal task for a man since I thought, and still believe, that women could get closer to the girls and gain their confidence more easily. For the girls, a man would tend to personify a police officer, a father, an aggressive relative, or even a potential client.

I did not succeed until 1991, when the MacArthur Foundation offered me a scholarship to travel around Brazil and investigate child prostitution. I decided to follow the poorest prostitution route in the country, located in the north -- the Amazon and northeast of Brazil. It is there that the girls are traded and later kept as slaves. I realized that I would

### *The Role of the Media*

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betray my commitment to journalism if I refused the opportunity. My aim was to publish a book before the Ecology Summit in Rio de Janeiro in order to show that the Amazon region contained more than just exotic flora and fauna.

To compensate for my lack of preparation, I invited a female photographer to help me record the scenes that I hoped would help me get closer to the girls I interviewed. I soon realized that I was facing the most difficult task of my journalistic life. Besides having to walk in an area with terribly difficult access, I had to learn a totally different language.

In Brazil, there is a huge lack of statistical data, particularly social data. The government once declared that there were 500,000 child prostitutes in the country. Nobody knows where this information was taken from or if these numbers are overestimates.

When I first started this work, I soon realized the extent to which there is a lack of academic studies and aid projects available for this type of problem. The press files and data banks were no more informative, reflecting society's general lack of interest in women, the poor, and children.

What I saw is that girls who lived on the streets were on the verge of prostitution, and that many of them were forced into it by their own parents, lovers, or even police officers who demand money. One can frequently hear girls saying that if they do not provide money to police officers, they are beaten up or arrested. Some of them say they pay the police with sex.

I was facing the synthesis of three kinds of oppression; of women, the poor, and children. The purpose of my journalistic mission was to strengthen the idea that Brazil, in spite of having regained democracy, still had a long way to go to move forward. Nothing could

better represent how long this road was than the children's situation. This was the best barometer of the social situation in Brazil.

I tried to learn the language tricks with the older prostitutes in order to better communicate with them. They taught me, for example, that I should never start an interview by asking the name of the interviewee as it reminded them of the police station atmosphere. They also explained that most of the time the children do not admit to being prostitutes. They, instead, know a story about a girl they know who is a prostitute. Actually, they are trying to find a means to tell us their own story.

As I began to get acquainted with the slavery routes and child prostitution, I soon realized that not only did the police officers know the routes, but they were beneficiaries of this trade. Members of the judiciary were aware of this situation to the extent that a judge once told me, justifying his lack of interest, that "Capitalism is slavery. What is the difference between a slave girl and a Ford Company employee?" I also soon realized that drugs and, of course, gold from Amazon followed the same route as the girls.

When I interviewed the slave girls, I heard stories that, essentially, remind us of the Asian drama. Born poor, they were frequently sold by their families or deceived into false hopes of a good job. Unable to repay their debts, they remained bound to their self-called "owners." They lived in remote regions with little access to communication. They were beaten up every time they disobeyed an order. There are some reports of torture and even deaths.

Two stories were particularly remarkable during my investigation. In Rondônia, one miner was refused by a girl. Totally drunk, he then cut off her head. Afterwards, he went through the streets holding her head in his hands and screaming, "I want to see who is going to say no to me again." In Pará, a girl tried to flee many times. On one of these occasions, her so-called owner tied her up with a rope and dragged her around. Afterwards, he placed her in a square and, out of his mind, rubbed lemon on her skin.

I could spend hours and hours here if I were to tell you all the

## *The Role of the Media*

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stories. There are some girls who lost their virginity in return for a doll. There are others who came under the hammer, just like animals, and were sold to farmers.

Two points stand out in this investigation. First, the victims did not know that they have rights. Second, society, the press included, were not sensitive to the principle that everybody has the right to have rights.

Basically, the situation has not changed very much. One of the main reasons is that children are unable to vote, do not write articles to be published in newspapers, and do not have friends in Congress. The pervasive poverty, impunity, and lack of political will regarding vulnerable groups are still obstacles.

But we can at least say that the situation is not exactly the same, as my report did have some effect. Thanks to the personal commitment of my editor-in-chief, Otavio Frias Filho, the story was published for several days with unlimited space. Considering that the *Folha de São Paulo* is the most influential Brazilian newspaper, we could influence the country, opinion makers, and decision makers.

Raids were carried out on the slavery centers in Amazonia and commissions were created in Congress to look into the situation at both state and federal levels. The media got interested enough to produce some reports on the subject. Thanks to several NGOs, some instructive campaigns are being prepared.

My personal experience as an investigative journalist who published articles on child prostitution in Brazil is one example of how the media can provoke people into thinking that although it seems impossible, we can help human beings be born again. This lesson is vital not only regarding the distant brothels in the Amazonian jungle, but the former Yugoslavia or Rwanda, and even a few blocks from here in Washington, D.C., plagued by a war zone with murdered children.

4. THE CONVENTION ON THE RIGHTS OF  
THE CHILD AND THE WORLD CONGRESS  
ON THE COMMERCIAL SEXUAL  
EXPLOITATION OF CHILDREN,  
STOCKHOLM 1996

Bertil Lindblad

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On behalf of UNICEF, I wish to thank the Department of Labor and the Department of State for organizing this important symposium. It is very timely as we are preparing for the World Congress Against Commercial Sexual Exploitation of Children next year.

I would like to take this opportunity to say a few words on the Convention on the Rights of the Child, which was referred to by several of my colleagues earlier this morning. It is a unique treaty in that it is nearly universally ratified. To date, 179 countries have ratified the Convention.

In addition, the Committee on the Rights of the Child, which consists of ten experts who monitor compliance with the Convention, is a very active committee and tries to work in non-traditional ways. I think this is very important with particular regard to issues such as child prostitution or other forms of exploitation and abuse of children. To give you an example, tomorrow evening, nine of the ten Committee members will be travelling to South Asia for a two-week field visit facilitated by UNICEF. I myself will have the opportunity to be with members of the Committee in Bangladesh and Nepal. Pakistan, India and Sri Lanka will also be visited.

These trips serve as opportunities for the Committee to get first-hand information and develop contacts and dialogue with governments, NGOs and other bodies, in addition to the routine process of reporting that is established under the Convention. The International Labor Organization and key international NGOs will be present at one consultation with the Committee in Nepal. In Bangladesh, where the program includes the issue of prostitution, the Committee on the Rights of the Child and UNICEF will meet with local NGOs who are addressing this issue in the Bangladesh

*The Convention on the Rights of the Child and the World Congress*

context.

I would also like to emphasize that the issues that we are discussing today are very much part of the reports and the discussion that the Committee holds with each government. There is, in fact, a separate document on the issues related to child prostitution and child pornography, which summarizes the discussions that the Committee has had to date with, I believe, 38 governments.

UNICEF is increasingly using the Convention and the process of reporting the work of the Committee as a basis for its country programming. Let us return to the fact that we heard earlier this morning that in Latin America there is a lack of government programs addressing the issue of child prostitution. Here we have opportunities, using the reports and recommendations of the Committee on the Rights of the Child, to plan programs in the areas of development cooperation, social services, training, and advocacy.

I would like to take this opportunity to say that UNICEF is increasingly getting involved in the so-called child protection issues -- what we normally refer to as children in especially difficult circumstances. Thanks to the Convention, we have new ways to address these problems with governments and other partners.

This leads me to UNICEF's role in the World Congress on the Commercial Sexual Exploitation of Children. The establishment of the World Congress is largely thanks to the work of End Child Prostitution in Asian Tourism (ECPAT) and its campaign, which in 1994 called for a global meeting to take place among governments, NGOs, the United Nations, and Interpol, to tackle the issue of commercial sexual exploitation of children. At the ECPAT executive meeting in 1994 it was agreed that ECPAT would approach a number of governments regarding the possibility of holding such a congress. The government of Sweden, which has taken this issue very seriously, responded and agreed to host the Congress in August of 1996 in Stockholm.

The Congress was formally announced at the Women's Conference

in Beijing by Mrs. Lisbeth Palnay, the chairperson of the host committee in Sweden. It was also discussed at the NGO forum at the youth tent activities as well as the panel on the girl child. It is very encouraging that the issues of trafficking and prostitution became so prominent in Beijing.

A joint committee, of which Professor Muntarbhorn is a member, has been set up to prepare the content of workshops and seminars at the Congress. The joint committee consists of representatives of the Swedish government, ECPAT, UNICEF, and the NGO group for the Convention on the Rights of the Child, which represents 37 international NGOs, many of which have been directly involved in advocacy and programs for children who have been victimized by sexual exploitation and prostitution. This Congress will, we hope, be unique in that there will not be separate NGO forums and government meetings as is usually the case in United Nations conferences.

We want the Congress to be a commitments conference, not just another world meeting that stops at declarations and good intentions. We want to develop strategies and get commitments from governments, the United Nations family, NGOs, and Interpol on recommended strategies which are in place. As we heard earlier today, many mechanisms already exist, including the Convention on the Rights of the Child and the program of action which has been approved, but now it is time to get a full commitment for their implementation.

The Congress will be a two-day meeting starting on the 27th of August, 1996, followed by three days of workshops and seminars, all addressing various aspects of the problem. These will include advocacy, rehabilitation, underlying causes, tourism as a factor, and child prostitution as a form of most hazardous exploitative child labor.

What is also very interesting, we feel, about the preparations for this Congress is the fact that we have agreed to a process of consultation. UNICEF, in collaboration with NGOs, has agreed to facilitate regional consultations in Asia, Latin America, Africa, and Eastern Europe. This is not a UNICEF or United Nations conference -- it is a world congress against commercial sexual exploitation, so it will be a joint effort. It is very



encouraging that many of the active and pioneering NGOs are now well underway in reaching out to their partners and networks all over the world, collecting information, developing new strategies, and writing up case studies on successful programs. We have also heard in the course of today's symposium about several successful initiatives, and they should be shared with others in Stockholm.

We are also trying to address issues such as the numbers and the causes of commercial sexual exploitation of children, and the various sectors which need to be involved. As Professor Muntarhorn stated, the participation of the private sector is key. We have had the opportunity to collaborate with the World Tourism Organization and the United Federation of Travel Agents. We are also working with the Hotel and Tourism Branch of the International Labor Organization.

The International Labor Organization, World Health Organization and the United Nations High Commission on Refugees will also have important roles in the Congress. They have participated in some of the planning meetings in Geneva, the next of which will take place three weeks from today. We are now getting into detailed planning of the conference, its program, and the various recommendations which will be presented.

At UNICEF, we have strengthened our capacity to provide as much input as possible to facilitate the conference preparations. We are looking at our own history of support to various NGOs and other partners. As I mentioned earlier, the field trip of the Committee on the Rights of the Child to South Asia will, to some extent, specifically focus on trafficking and prostitution in that region. We will have the opportunity to spend some time with Committee members and will be able to use what we learn as input to the World Congress and future UNICEF, ILO, and NGO programs on child prostitution and trafficking.

## AFTERWORD

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Secretary of Labor Reich recently described the crime of selling children into prostitution as "simply intolerable."

Indeed, most anybody who learns even the least bit about the tragic circumstances of children forced into prostitution shares this sense of intolerability and becomes an advocate for action. That is certainly true for those of us at the Department of Labor who have researched this issue, and it is our hope that it will be true for those who have read this volume.

There is simply no acceptable rationalization for the toleration of the forced prostitution of children -- a practice which violates every basic human right and is forced labor at its most depraved. Many of the contributors to this volume, including Professor Vitit Muntharbhorn, are amongst those heroes who have helped to bring clarity and focus to a practice that flourishes in the haze and shadows. In his important keynote address, Representative Joseph Kennedy emphasized that public exposure is one of the most effective approaches to combatting this problem. We hope this volume is one small contribution to this larger effort.

Since the September symposium, the Department of Labor has continued its efforts to broaden the international dialogue on forced child prostitution. We have emphasized the need for the ILO's child labor program to devote resources to the child prostitution problem. In addition to an ILO program in Thailand that is being supported by the Department of Labor, the ILO is initiating a program in Nepal, and is considering additional programs in Southeast Asia. These programs offer some hope to a small fraction of the number of children at risk. They can, however, also act as catalysts for broader governmental responses in the countries where forced child prostitution flourishes.

## *Afterword*

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Moreover, the ILO is moving towards the adoption of a new convention on child exploitation which provides an important opportunity to further the international legal sanctions against governments that tolerate this trade. Of course, a shortage of international instruments outlawing child prostitution is not the cause of the growing tragedy. Rather, it is the lack of political will to effectively enforce existing domestic and international laws. However, a new ILO convention will permit us to put in place stronger mechanisms to hold governments accountable for their failure to act decisively against this form of exploitation.

There are also some encouraging signs that political leaders are facing the need to deal with child labor exploitation generally, and child prostitution specifically. In the last eighteen months, we have heard important statements from the leaders of many countries, including Thailand, the Philippines, Brazil and Vietnam, on the need for strong action against child sexual exploitation. The commitment of resources for adequate school opportunities and genuine law enforcement against the criminals involved in this trade are still largely to come. But a first step to solving a problem is recognizing that one exists.

A forthcoming conference in Sweden in August 1996 also offers an opportunity to expand the international consensus for greater action. And we are aware that the European Union is considering additional instruments that would combat trafficking in women and children for sexual exploitation.

We are also encouraged that this issue has come to the attention of insightful columnists such as Bob Herbert of *The New York Times*. Herbert wrote a column in January 1996 called "Kids for Sale." Simple -- and tragic -- as that. "It is possible," writes Herbert, "but not easy to imagine lives more hideous than those of generations of children who are fed like cheap fuel into Thailand's flourishing sex industry." Herbert could have also used the names of many other countries in that statement.

*Andrew J. Samet*

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Clearly, much remains to be done. We hope to continue our work, and we hope that this volume will encourage others to join the effort.

Andrew James Samet  
*Associate Deputy Under Secretary  
for International Labor Affairs*

U.S. Department of Labor  
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## APPENDICES

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## Appendix A: The International Law Enforcement Response Against Child Sexual Exploitation

Submitted to the Department of Labor for the September 1995 Symposium by the International Criminal Police Organization (INTERPOL)

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Stepping up the struggle against child exploitation was Interpol's new challenge in 1989 when the French President inaugurated the new Interpol Headquarters in Lyons, France. He drew the attention of Interpol member countries to what he called an "area of unspeakable suffering," the exploitation of children in various forms. This statement followed the adoption of the Convention on the Rights of the Child at the 44th General Assembly of the United Nations. The Interpol General Assembly in Dakar in 1992 marked the subsequent progress made in Interpol's project on offenses against minors. A report with a number of conclusions as well as a resolution creating a Standing Working Party on Offenses Against Minors was approved and adopted. Moreover, the General Assembly recommended that "member countries review their legislation with a view to introducing, where necessary, the measures recommended in the conclusions."

Since then, the Standing Working Party has met five times and a number of objectives have been achieved. Furthermore, the General Secretariat has given more and more priority to this sensitive field by strengthening the links between the United Nations Ad Hoc Committees and Interpol and by promoting shared views in favor of the "best interest of the child" in various conferences throughout the world.

The international response against trafficking of children for sexual exploitation was illustrated in 1994 with a tremendous impulse towards better prosecution of child sex offenders. Campaigns denounced the growing number of pedophiles, pretending to be tourists, who travel from the western countries to the developing countries, also known as "victim" or "receiving" countries. Their aim is clearly to engage illicit sexual activity with easily available and cheap young prostituted children, an activity that would be forbidden in their home country. Sex tourism is closely connected with the growing multi-million dollar a year industry of child prostitution



## *Appendix A*

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throughout the world.

Sexual abuse of children takes place in most countries. The incredible escalation of child prostitution over the last ten years is directly caused by the tourism trade. Child prostitution is the newest tourist attraction offered by developing countries. The parallel to this phenomenon in the Western countries is the explosion of a huge underground trade in child pornography in videos and magazines. Since laws against child prostitution are stringently enforced in most affluent countries, pornographic films and photographs often have their origin in countries where child prostitution has become a temporary escape from poverty for struggling rural people.

Since the adoption of the 1989 Convention on the Rights of the Child, the international community has paid increasing attention to the problem of child sexual exploitation. In this framework, as the only international law enforcement organization, Interpol has highly promoted all actions that would allow for better prosecution of child sex offenders. This was illustrated through the Interpol Standing Working Party on Offenses Against Minors which brings together law enforcement delegates from the major Western and Asian countries and aims at finding a law enforcement response to this particularly sensitive field of criminality. Since its creation, the Standing Working Party is successfully complying with the objectives it has set out, i.e., to implement the Interpol conclusions with respect to general and law enforcement measures.

Moreover, the Interpol General Secretariat is promoting and sponsoring a number of international conferences aimed at finding solutions to end the sexual exploitation of children.

Interpol is involved, in an expert capacity, in the first World Congress on the Commercial Sexual Exploitation of Children, which will be hosted by the Swedish Government in August 1996 and will bring

together high-level government officials in order to obtain declared international involvement.

Furthermore, and bearing in mind that training for police officers is a main issue for the Standing Working Party, a "Pilot Training Programme for Law Enforcement Officials: juveniles, human rights and the administration of juvenile justice" was drafted by the United Nations Center for Human Rights in Geneva with the active collaboration of Interpol's General Secretariat and the delegates of the Standing Working Party. Law enforcement officials in selected "victim" countries will receive this pilot training programme (Sri Lanka, Hungary), after which it will be evaluated and modified if necessary. After the test period, this training program will be available for all the developing countries in order to improve the law enforcement response to child sexual abuse.

There are hundreds of thousands of prostituted children in the developing countries. It is our responsibility to give priority to this "area of unspeakable suffering," as it is our duty to act in favor of the eradication of all kinds of offenses against children. The progress which has been made so far depends to a large extent on the cooperation of and between the Interpol member countries. We have to bear in mind that children's rights require special protection and must call for continuous improvement of the situation of the children all over the world.

*Interpol General Secretariat*

14th September 1995

## Appendix B: About the Symposium Speakers

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**Dorianne Beyer** is Executive Director of Defense for Children International-USA, the autonomous national section of Defense for Children International (DCI). DCI, since its inception in 1986, has been the leading agency supporting and advocating the implementation of children's rights as contained in the Convention on the Rights of the Child. DCI-USA is a prime resource for information and public education efforts on child prostitution, most recently through its landmark investigation entitled "Sex Tourism and Children in the Dominican Republic." Ms. Beyer has been a leading child labor lawyer for almost 20 years and has served as a consultant to governments, corporations, youth service agencies and the NGO community on many issues relating to the laws and policies affecting working children and their relationship to youth employment and development.

**Pannuda Boonpala** is a Programme Officer at the International Labor Organization's International Program for the Elimination of Child Labor (IPEC) in Geneva. Prior to joining the ILO's Geneva staff, Ms. Pannuda served as an IPEC coordinator in Thailand and coordinated child labor awareness campaigns and activities for non-governmental organizations in Asia. During her two years at IPEC-Thailand, she participated in the design of all Thai IPEC partners' projects and supervised the implementation of IPEC support activities, including the program on children in prostitution implemented by the Daughters' Education Program. Ms. Pannuda completed her post graduate studies in Labor Welfare and Development at Thammasat University in Bangkok.

**Gilberto Dimenstein** is an award-winning journalist and author of several books and reports on child prostitution, street children, and children's and human rights in Brazil. He has been a reporter for several news magazines and newspapers and is a syndicated columnist for the daily *Folha de S. Paulo*. Mr. Dimenstein is author of *Little Girls of the Night* (1992), an investigative report sponsored by the MacArthur Foundation on juvenile prostitution and the enslavement of girls. The book, which has been translated into French, Italian, and German, was the basis for a segment of the ABC network TV program *Turning Point* in August 1994. Mr.

### *About the Symposium Speakers*

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Dimenstein is a recipient of the first Brazilian national human rights award (1995). He has also received several awards for his reporting, including the Easo Award of Journalism in 1988, the UNICEF Child and Peace Information award in 1993, and Columbia University's Maria Moors Cabot Special Citation in 1990 for his stories on street children in Brazil. He studied journalism at Cásper Líbero College in São Paulo, Brazil.

**J. Robert Flores** is the Acting Deputy Chief with the Child Exploitation and Obscenity Section of the Department of Justice, Criminal Division, and has been a federal prosecutor for 5 years. Before coming to the Justice Department, he served as an Assistant District Attorney in Manhattan, where he successfully prosecuted several highly publicized child sexual abuse cases, including a major child prostitution network. Mr. Flores has prosecuted hundreds of criminal cases in his career and teaches regularly at conferences and seminars throughout the United States on criminal procedure, criminal law, investigative procedures and computer crime. Currently, he is overseeing the Customs Service's "Operation Long Arm," a national computer child pornography investigation which is expected to make new law in the area of child sexual exploitation and computer crime. Mr. Flores prosecuted the first federal computer child pornography case to go to trial in the United States.

**Joseph P. Kennedy II**, first elected in 1986, is currently serving his fifth Congressional term from the 8th Congressional District in Massachusetts. Representative Kennedy is the eldest son of Senator Robert F. Kennedy and Ethel Kennedy. Before beginning his service in Congress, Representative Kennedy headed Citizens Energy Corporation, a non-profit energy assistance company founded in 1979 to provide cut-rate heating oil for low-income residents. Committed to looking out for the working people of his district and the nation as a whole, he has worked hard to improve health care for veterans and older Americans, create affordable housing and stimulate job growth. Representative Kennedy is a member of the House Banking and Financial Services Committee and serves as the ranking minority member of the Housing and Community Opportunity Subcommittee. In 1994, Representative Kennedy co-sponsored legislation which became law in 1994 that makes it a crime for a U.S. citizen to travel abroad for the purposes of having sex with a minor.

## *Appendix B*

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**Bertil Lindblad** has served as Senior Advisor/Children in Especially Difficult Circumstances (CEDC) at the United Nations Children's Fund (UNICEF) in New York since 1994. As Chief of the CEDC Section of the Program Division, Mr. Lindblad provides advisory support and technical assistance to UNICEF regional and country offices in the area of child protection as well as program aspects of child rights and policy issues. Before joining UNICEF, Mr. Lindblad, a Swedish national, worked for 10 years at Swedish Save the Children in various capacities, including Asia Coordinator and Resident Representative in Vietnam from 1991-94. Prior to Save the Children, he served in the NGO Section of the Swedish International Development Authority (SIDA) and at the Swedish Embassy in Moscow. Mr. Lindblad is a graduate of Pomona College in Claremont, California, where he received a degree in international relations. He did graduate work at Claremont Graduate School (1980) and studied at the Sorbonne and Institut d'Etudes Politiques in Paris.

**Vitit Muntarbhorn** is a Professor at the Faculty of Law, Chulalongkorn University, Bangkok, Thailand. He served as the United Nations Special Rapporteur on the Sale and Trafficking of Women and Children from 1990-1994. In this capacity, Mr. Muntarbhorn produced four comprehensive reports on national and international developments in the areas of the sale of children, child prostitution and child pornography. He is currently executive director of Child Rights ASIANET.

**Karen Nussbaum** is Director of the Department of Labor's Women's Bureau, which was created in 1920 to formulate standards and policies to promote the welfare of working women. She has a long record as a leader, policy expert and spokesperson for women in the workforce. Prior to becoming the 13th director of the Women's Bureau, Ms. Nussbaum led 9to5, the National Association of Working Women, which she co-founded in 1973. In 1981, she also became president of District 925 of the Service Employees International Union. District 925 is a national union of office and professional employees. A native of Chicago, Nussbaum currently lives in Washington, D.C. with her husband and three children.

**Joaquin F. Otero** has served as Deputy Under Secretary for International

### *About the Symposium Speakers*

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Labor Affairs at the U.S. Department of Labor and as the U.S. Government Representative to the United Nations' International Labor Organization since 1993. In these functions, Mr. Otero is the head of the Bureau of International Labor Affairs (ILAB), the agency responsible for policy, program development and implementation of all Department of Labor matters that impact on U.S. foreign policy. He serves on the U.S. Board of the Foreign Service and represents the Secretary of Labor on the President's Export Council and on several inter-agency boards. Mr. Otero began his career as a trade unionist with the Transportation Communications International Union, for which he served as an elected International Vice President from 1971-1993. At the time of his Department of Labor appointment, he was also an elected Vice-President of the AFL-CIO. Mr. Otero, a Cuban-American, is known as a national Hispanic leader through his involvement in organized labor and grassroots politics.

**Ladda Saikaew** is Coordinator of the Vocational Training Program of the Daughter's Education Program (DEP), a non-governmental organization based in the northern Thai province of Chiang Rai. DEP receives financial support from numerous international agencies and donors, including UNICEF and the International Labor Organization. Prior to her work at the DEP, Ms. Ladda was a Field Officer at the Thai Department of Community Development. She received a Bachelor of Arts in Community Development at the Chiang Rai Teachers College. Ms. Ladda grew up in the Mae Suai district of Chiang Rai Province, an area with many poor hill tribe and Thai communities and a high prevalence of drug abuse. In the year she completed primary school, 35 percent of the girls in Ms. Ladda's class went to work in the commercial sex industry.

**Andrew J. Samet** was appointed Associate Deputy Under Secretary for International Labor Affairs by Secretary of Labor Robert B. Reich in September 1993. He supervises international economic and labor policy operations for the U.S. Department of Labor's Bureau of International Labor Affairs. Previously, he served as legislative director to Senator Daniel P. Moynihan of New York and as an associate in the Washington, DC office of the law firm of Mudge, Rose, Guthrie, Alexander & Ferdon. Mr. Samet received his B.A. degree from Yale College, a M.A. degree from Carleton University (Canada), and a J.D. degree from Georgetown University Law

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**Gare A. Smith** is Deputy Assistant Secretary for Labor and External Affairs in the Bureau of Democracy, Human Rights and Labor at the U.S. Department of State. His responsibilities include working with foreign governments, multilateral organizations, the Congress, and domestic industries regarding the promotion of international labor standards, workers' rights, and human rights. He is the State Department delegate to the International Labor Organization. Prior to joining the State Department, Mr. Smith served for five years as senior foreign policy advisor and counsel to Senator Edward M. Kennedy of Massachusetts. From 1985-89, Mr. Smith practiced in the Washington, DC law firm of Akin, Gump, Strauss, Hauer and Feld. Mr. Smith received his B.A. degree in English from Johns Hopkins University and his law degree from the University of Michigan Law School. Mr. Smith has written syndicated commentaries on international conflicts and has published law review articles on multilateral organizations and criminal law.

## Appendix C: ILO Convention 29 on Forced Labor

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The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to forced or compulsory labour, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Convention, which may be cited as the Forced Labour Convention, 1930, for ratification by the Members of the International Labour Organization in accordance with the provisions of the Constitution of the International Labour Organization:

### **Article 1**

1. Each Member of the International Labour Organization which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.
2. With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees hereinafter provided.
3. At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period



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and desirability of placing this question on the agenda of the Conference.

### **Article 2**

1. For the purposes of this Convention the term "forced or compulsory labour" shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

2. Nevertheless, for the purposes of this Convention, the term "forced or compulsory labour" shall not include;

(a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population:

(e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

**Article 3**

For the purposes of this Convention the term "competent authority" shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

**Article 4**

1. The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

2. Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member's ratification of this Convention is registered by the Director-General of the International Labour Office, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

**Article 5**

1. No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilize or in which they trade.

2. Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

**Article 6**

Officials of the administration, even when they have the duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations or upon any individual members thereof to work for private individuals, companies or associations.

**Article 7**

1. Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.
2. Chiefs who exercise administrative functions may with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.
3. Chiefs who are duly recognized and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

**Article 8**

1. The responsibility for every decision to have recourse to forced or compulsory labor shall rest with the highest civil authority in the territory concerned.
2. Nevertheless, that authority may delegate powers to the highest local authorities to exact forced or compulsory labour which does not involve the removal of the workers from their place of habitual residence. That authority may also delegate, for such periods and subject to such conditions as may be laid down in the regulations provided for in Article 23 of this Convention, powers to the highest local authorities to exact forced or compulsory labour which involves the removal of the workers from their place of habitual residence for the purpose of facilitating the movement of officials of the administration, when on duty, and for the transport of government stores.

**Article 9**

Except as otherwise provided for in Article 10 of this Convention, any authority competent to exact forced or compulsory labour shall, before deciding to have recourse to such labour, satisfy itself:

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;
- (b) that the work or service is of present or imminent necessity;
- (c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favorably than those prevailing in the area concerned for similar work or service; and
- (d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work.

**Article 10**

1. Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.

2. Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself:

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;

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- (b) that the work or the service is of present or imminent necessity;
- (c) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work;
- (d) that the work or service will not entail the removal of the workers from their place of habitual residence;
- (e) that the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life and agriculture.

#### **Article 11**

1. Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention, the following limitations and conditions shall apply;

- (a) whenever possible prior determination by a medical officer appointed by the administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out;
- (b) exemption of school teachers and pupils and of officials of the administration in general;
- (c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life;
- (d) respect for conjugal and family ties.

2. For the purposes of subparagraph (c) of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any

*ILO Convention 29 on Forced Labor*

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one time for forced or compulsory labour, provided always that this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

**Article 12**

1. The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of 12 months shall not exceed 60 days, including the time spent in going to and from the place of work.
2. Every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed.

**Article 13**

1. The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour.
2. A weekly day of rest shall be granted to all persons from whom forced or compulsory labour of any kind is exacted and this day shall coincide as far as possible with the day fixed by tradition or custom in the territories or regions concerned.

**Article 14**

1. With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for

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similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.

2. In the case of labour to which recourse is had by chiefs in the ascaris of their administrative functions, payment of wages in accordance with the provisions of the preceding paragraph shall be introduced as soon as possible.

3. The wages shall be paid to each worker individually and not to his tribal chief or to any other authority.

4. For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working days.

5. Nothing in this Article shall prevent ordinary rations being given as a part of wages, such rations to be at least equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes or for special food, clothing or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools.

### **Article 15**

1. Any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependents of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.

2. In any case it shall be an obligation on any authority employing any worker on forced or compulsory labour to ensure the subsistence of any such worker who, by accident or sickness arising out of his employment, is rendered wholly or partially incapable of providing for himself, and to take measures to ensure the maintenance of any persons actually dependent upon

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such a worker in the event of his incapacity or decease arising out of his employment.

**Article 16**

1. Except in cases of special necessity, persons from whom forced or compulsory labour is exacted shall not be transferred to districts where the food and climate differ so considerably from those to which they have been accustomed as to endanger their health.

2. In no case shall the transfer of such workers be permitted unless all measures relating to hygiene and accommodation which are necessary to adapt such workers to the conditions and to safeguard their health can be strictly applied.

3. When such transfer cannot be avoided, measures of gradual habituation to the new conditions of diet and of climate shall be adopted on competent medical advice.

4. In cases where such workers are required to perform regular work to which they are not accustomed, measures shall be taken to ensure their habituation to it, especially as regards progressive training, the hours of work and the provision of rest intervals, and any increase or amelioration of diet which may be necessary.

**Article 17**

Before permitting recourse to forced or compulsory labour for works of construction or maintenance which entail the workers remaining at the workplace for considerable periods, the competent authority shall satisfy itself;

(1) that all necessary measures are taken to safeguard the health of the workers and to guarantee the necessary medical care, and, in particular, (a) that the workers are medically examined before commencing the work and at fixed intervals during the period of service, (b) that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals and



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equipment necessary to meet all requirements, and (c) that the sanitary conditions of the workplaces, the supply of drinking water, food, fuel, and cooking utensils, and, where necessary, of housing and clothing, are satisfactory;

(2) that definite arrangements are made to ensure the subsistence of the families of the workers, in particular by facilitating the remittance, by a safe method, of part of the wages to the family, at the request or with the consent of the workers;

(3) that the journeys of the workers to and from the workplaces are made at the expense and under the responsibility of the administration, which shall facilitate such journeys by making the fullest use of all available means of transport;

(4) that, in case of illness or accident causing incapacity to work of a certain duration, the worker is repatriated at the expense of the administration;

(5) that any worker who may wish to remain as a voluntary worker at the end of his period of forced or compulsory labour is permitted to do so without, for a period of two years, losing his right to repatriation free of expense to himself.

### **Article 18**

1. Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the competent authority shall promulgate regulations determining, inter alia, (a) that such labour shall only be employed for the purpose of facilitating the movement of officials of the administration, when on duty, or for the transport of government stores, or, in cases of very urgent necessity, the transport of persons other than officials, (b) that the workers so employed shall be medically certified to be physically fit, where medical examination is possible, and that where such medical examination is not practicable the person employing such workers shall be held responsible for ensuring that they are physically fit

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and not suffering from any infectious or contagious disease, (c) the maximum load which these workers may carry, (d) the maximum distance from their homes to which they may be taken, (e) the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes, and (f) the persons entitled to demand this form of forced or compulsory labour and the extent to which they are entitled to demand it.

2. In fixing the maxima referred to under (c), (d) and (e) in the foregoing paragraph, the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country through which they must travel and the climatic conditions.

3. The competent authority shall further provide that the normal daily journey of such workers shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

**Article 19**

1. The competent authority shall only authorize recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.

2. Nothing in this Article shall be construed as abrogating the obligation on members of a community, where production is organized on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

**Article 20**

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

**Article 21**

Forced or compulsory labour shall not be used for work underground in mines.

**Article 22**

The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of Article 22 of the Constitution of the International Labour Organization, on the measures they have taken to give effect to possible, in respect of each territory concerned, regarding the extent to which recourse has been had to force or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

**Article 23**

1. To give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour.
2. These regulations shall contain, inter alia, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions of labour to the authorities and

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ensuring that such complaints will be examined and taken into consideration.

**Article 24**

Adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted.

**Article 25**

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

**Article 26**

1. Each Member of the International Labour Organization which ratifies this Convention undertakes to apply it to the territories placed under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority, so far as it has the right to accept obligations affecting matters of internal jurisdiction; provided that, if such Member may desire to take advantage of the provisions of Article 35 of the Constitution of the International Labour Organization, it shall append to its ratification a declaration stating-

(1) the territories to which it intends to apply the provisions of this Convention without modification;

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(2) the territories to which it intends to apply the provisions of this Convention with modifications, together with details of the said modifications;

(3) the territories in respect of which it reserves its decision.

2. The aforesaid declaration shall be deemed to be an integral part of the ratification and shall have the force of ratification. It shall be open to any Member, by a subsequent declaration, to cancel in whole or in part the reservations made, in pursuance of the provisions of subparagraphs (2) and (3) of this Article, in the original declaration.

#### **Article 27**

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organization shall be communicated to the Director-General of the International Labour Office for registration.

#### **Article 28**

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organization have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which the ratification has been registered.

**Article 29**

As soon as the ratifications of two Members of the International Labour Organization have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organization. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organization.

**Article 30**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

**Article 31**

At the expiration of each period of five years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

**Article 32**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 30 above, if and when the new revising Convention shall have come into force.
2. As from the date of coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.
3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

**Article 33**

The French and English texts of this Convention shall both be authentic.

## Appendix D: Convention on the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others

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

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

1. International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, as amended by the Protocol approved by the General Assembly of the United Nations on 3 December 1948,
2. International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, as amended by the above-mentioned Protocol,
3. International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, as amended by the Protocol approved by the General Assembly of the United Nations on 20 October 1947,
4. International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, as amended by the aforesaid Protocol,

Whereas the League of Nations in 1937 prepared a draft Convention extending the scope of the above-mentioned instruments, and

Whereas developments since 1937 make feasible the conclusion of a convention consolidating the above-mentioned instruments and embodying the substance of the 1937 draft Convention as well as desirable alterations therein;



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Now therefore The Contracting Parties Hereby agree as hereinafter provided:

**Article 1**

The Parties to the present Convention agree to punish any person who, to gratify the passions of another:

1. Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;
2. Exploits the prostitution of another person, even with the consent of that person.

**Article 2**

The Parties to the present Convention further agree to punish any person who:

1. Keeps or manages, or knowingly finances or takes part in the financing of a brothel;
2. Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.

**Article 3**

To the extent permitted by domestic law, attempts to commit any of the offences referred to in articles 1 and 2, and acts preparatory to the commission thereof, shall also be punished.

**Article 4**

To the extent permitted by domestic law, intentional participation in the acts referred to in articles 1 and 2 above shall also be punishable.

## Trafficking of Persons Convention

To the extent permitted by domestic law, acts of participation shall be treated as separate offences whenever this is necessary to prevent impunity.

### **Article 5**

In cases where injured persons are entitled under domestic law to be parties to proceedings in respect of any of the offences referred to in the present Convention, aliens shall be so entitled upon the same terms as nationals.

### **Article 6**

Each Party to the present Convention agrees to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification.

### **Article 7**

Previous convictions pronounced in foreign States for offences referred to in the present Convention shall, to the extent permitted by domestic law, be taken into account for the purpose of:

1. Establishing recidivism;
2. Disqualifying the offender from the exercise of civil rights.

### **Article 8**

The offences referred to in articles 1 and 2 of the present Convention shall be regarded as extraditable offences in any extradition treaty which has been or may hereafter be concluded between any of the Parties to this Convention.

The Parties to the present Convention which do not make extradition conditional on the existence of a treaty shall henceforward recognize the

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offences referred to in articles 1 and 2 of the present Convention as cases for extradition between themselves.

Extradition shall be granted in accordance with the law of the State to which the request is made.

### **Article 9**

In States where the extradition of nationals is not permitted by law, nationals who have returned to their own State after the commission abroad of any of the offences referred to in articles 1 and 2 of the present Convention shall be prosecuted in and punished by the courts of their own State.

This provision shall not apply if, in a similar case between the Parties to the present Convention, the extradition of an alien cannot be granted.

### **Article 10**

The provisions of article 9 shall not apply when the person charged with the offence has been tried in a foreign State and, if convicted, has served his sentence or had it remitted or reduced in conformity with the laws of that foreign State.

### **Article 11**

Nothing in the present Convention shall be interpreted as determining the attitude of a Party towards the general question of the limits of criminal jurisdiction under international law.

### **Article 12**

The present Convention does not affect the principle that the offences to which it refers shall in each State be defined, prosecuted and punished in conformity with its domestic law.

### **Article 13**

### Trafficking of Persons Convention

The Parties to the present Convention shall be bound to execute letters of request relating to offences referred to in the Convention in accordance with their domestic law and practice.

The transmission of letters of request shall be effected:

1. By direct communication between the judicial authorities; or
2. By direct communication between the Ministers of Justice of the two States, or by direct communication from another competent authority of the State making the request to the Minister of Justice of the State to which the request is made; or
3. Through the diplomatic or consular representative of the State making the request in the State to which the request is made; this representative shall send the letters of request direct to the competent judicial authority or to the authority indicated by the Government of the State to which the request is made, and shall receive direct from such authority the papers constituting the execution of the letters of request.

In cases 1 and 3 a copy of the letters of request shall always be sent to the superior authority of the State to which application is made.

Unless otherwise agreed, the letters of request shall be drawn up in the language of the authority making the request, provided always that the State to which the request is made may require a translation in its own language, certified correct by the authority making the request.

Each Party to the present Convention shall notify to each of the other Parties to the Convention the method or methods of transmission mentioned above which it will recognize for the letters of request of the latter State. Until such notification is made by a State, its existing procedure in regard to letters of request shall remain in force.

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Execution of letters of request shall not give rise to a claim for reimbursement of charges or expenses of any nature whatever other than expenses of experts.

Nothing in the present article shall be construed as an undertaking on the part of the Parties to the present Convention to adopt in criminal matters any form or methods of proof contrary to their own domestic laws.

### **Article 14**

Each Party to the present Convention shall establish or maintain a service charged with the co-ordination and centralization of the results of the investigation of offences referred to in the present Convention.

Such services should compile all information calculated to facilitate the prevention and punishment of the offences referred to in the present Convention and should be in close contact with the corresponding services in other States.

### **Article 15**

To the extent permitted by domestic law and to the extent to which the authorities responsible for the services referred to in article 14 may judge desirable, they shall furnish to the authorities responsible for the corresponding services in other States the following information:

1. Particulars of any offence referred to in the present Convention or any attempt to commit such offence;
2. Particulars of any search for and any prosecution, arrest, conviction, refusal of admission or expulsion of persons guilty of any of the offences referred to in the present Convention, the movements of such persons and any other useful information with regard to them.

The information so furnished shall include descriptions of the offenders, their fingerprints, photographs, methods of operation, police records and records of conviction.

**Article 16**

The Parties to the present Convention agree to take or to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in the present Convention.

**Article 17**

The Parties to the present Convention undertake, in connection with immigration and emigration, to adopt or maintain such measures as are required in terms of their obligations under the present Convention, to check the traffic in persons of either sex for the purpose of prostitution.

In particular they undertake:

1. To make such regulations as are necessary for the protection of immigrants or emigrants, and in particular, women and children, both at the place of arrival and departure and while en route;
2. To arrange for appropriate publicity warning the public of the dangers of the aforesaid traffic;
3. To take appropriate measures to ensure supervision of railway stations, airports, seaports and en route, and of other public places, in order to prevent international traffic in persons for the purpose of prostitution;
4. To take appropriate measures in order that the appropriate authorities be informed of the arrival of persons who appear, prima facie, to be the principals and accomplices in or victims of such traffic.

**Article 18**

The Parties to the present Convention undertake, in accordance with the conditions laid down by domestic law, to have declarations taken from aliens who are prostitutes, in order to establish their identity and civil status

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and to discover who has caused them to leave their State. The information obtained shall be communicated to the authorities of the State of origin of the said persons with a view to their eventual repatriation.

### **Article 19**

The Parties to the present Convention undertake, in accordance with the conditions laid down by domestic law and without prejudice to prosecution or other action for violations thereunder and so far as possible:

1. Pending the completion of arrangements for the repatriation of destitute victims of international traffic in persons for the purpose of prostitution, to make suitable provisions for their temporary care and maintenance;
2. To repatriate persons referred to in article 18 who desire to be repatriated or who may be claimed by persons exercising authority over them or whose expulsion is ordered in conformity with the law. Repatriation shall take place only after agreement is reached with the State of destination as to identity and nationality as well as to the place and date of arrival at frontiers. Each Party to the present Convention shall facilitate the passage of such persons through its territory.

Where the persons referred to in the preceding paragraph cannot themselves repay the cost of repatriation and have neither spouse, relatives nor guardian to pay for them, the cost of repatriation as far as the nearest frontier or port of embarkation or airport in the direction of the State of origin shall be borne by the State where they are in residence, and the cost of the remainder of the journey shall be borne by the State of origin.

**Article 20**

The Parties to the present Convention shall, if they have not already done so, take the necessary measures for the supervision of employment agencies in order to prevent persons seeking employment, in particular women and children, from being exposed to the danger of prostitution.

**Article 21**

The Parties to the present Convention shall communicate to the Secretary-General of the United Nations such laws and regulations as have already been promulgated in their States, and thereafter annually such laws and regulations as may be promulgated, relating to the subjects of the present Convention, as well as all measures taken by them concerning the application of the Convention. The information received shall be published periodically by the Secretary-General and sent to all Members of the United Nations and to non-member States to which the present Convention is officially communicated in accordance with article 23.

**Article 22**

If any dispute shall arise between the Parties to the present Convention relating to its interpretation or application and if such dispute cannot be settled by other means, the dispute shall, at the request of any one of the Parties to the dispute, be referred to the International Court of Justice.

**Article 23**

The present Convention shall be open for signature on behalf of any Member of the United Nations and also on behalf of any other State to which an invitation has been addressed by the Economic and Social Council.

The present Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

The States mentioned in the first paragraph which have not signed the Convention may accede to it.



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Accession shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations. For the purpose of the present Convention the word " State " shall include all the colonies and Trust Territories of a State signatory or acceding to the Convention and all territories for which such State is internationally responsible.

### **Article 24**

The present Convention shall come into force on the ninetieth day following the date of deposit of the second instrument of ratification or accession.

For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification or accession, the Convention shall enter into force ninety days after the deposit by such State of its instrument of ratification or accession.

### **Article 25**

After the expiration of five years from the entry into force of the present Convention, any Party to the Convention may denounce it by a written notification addressed to the Secretary-General of the United Nations.

Such denunciation shall take effect for the Party making it one year from the date upon which it is received by the Secretary-General of the United Nations.

### **Article 26**

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in article 23:

- (a) Of signatures, ratifications and accessions received in accordance with article 23;
- (b) Of the date on which the present Convention will come into force in accordance with article 24;

(c) Of denunciations received in accordance with article 25.

#### **Article 27**

Each Party to the present Convention undertakes to adopt, in accordance with its Constitution, the legislative or other measures necessary to ensure the application of the Convention.

#### **Article 28**

The provisions of the present Convention shall supersede in the relations between the Parties thereto the provisions of the international instruments referred to in sub-paragraphs 1, 2, 3 and 4 of the second paragraph of the Preamble, each of which shall be deemed to be terminated when all the Parties thereto shall have become Parties to the present Convention.

IN FAITH WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Convention, opened for signature at Lake Success, New York, on the twenty-first day of March, one thousand nine hundred and fifty, a certified true copy of which shall be transmitted by the Secretary-General to all the Members of the United Nations and to the non-member States referred to in article 23.

#### **FINAL PROTOCOL**

Nothing in the present Convention shall be deemed to prejudice any legislation which ensures, for the enforcement of the provisions for securing the suppression of the traffic in persons and of the exploitation of others for purposes of prostitution, stricter conditions than those provided by the present Convention.

The provisions of articles 23 to 26 inclusive of the Convention shall apply to the present Protocol.

**Appendix E: U.N. Convention on the Elimination of All  
Forms of Discrimination Against Women,  
Article 6**

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**Article 6.** States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

## Appendix F: Convention on the Rights of the Child

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The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

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Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the United Nations on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and intergovernmental organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

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

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

*UN Convention on the Rights of the Child*

Have agreed as follows:

PART 1

***Article 1***

For the purposes of the present Convention, a child means every human being below the age of 18 years unless, under the law applicable to child, majority is attained earlier.

***Article 2***

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

***Article 3***

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, court of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the

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standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

### *Article 4*

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

### *Article 5*

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present convention.

### *Article 6*

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

*UN Convention on the Rights of the Child*

***Article 7***

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

***Article 8***

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

***Article 9***

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.



## *Appendix F*

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3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. State Parties shall further ensure that the submission of such a request of itself entail no adverse consequences for the person(s) concerned.

## *Article 10*

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals

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or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

***Article 11***

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

***Article 12***

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

***Article 13***

1. The child shall have the right to freedom of expression; the right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others; or

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(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

### *Article 14*

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

### *Article 15*

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

### *Article 16*

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, home or correspondence, nor to unlawful attacks on his or her honor and reputation.
2. The child has the right to protection of the law against such interference or attacks.

***Article 17***

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have a particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

***Article 18***

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

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2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

### *Article 19*

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social program to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

### *Article 20*

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, Kafala of Islamic

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law, adoption, or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

***Article 21***

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in the view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counseling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be care for in the child's country of origin;
- (c) Ensure that the child concerned by intercountry adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in intercountry adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavor, within this framework, to ensure that the placement of the

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child in another country is carried out by competent authorities or organs.

### *Article 22*

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

### *Article 23*

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

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3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventative health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

***Article 24***

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- a. To diminish infant and child mortality;
- b. To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- c. To combat disease and malnutrition including within the framework of primary health care, through inter alia the application



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of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution;

d. To ensure appropriate pre-natal and post-natal health care for mothers;

e. To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantage of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;

f. To develop preventative health care, guidance for parents and family planning educations and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

### *Article 25*

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment

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provided to the child and all other circumstances relevant to his or her placement.

***Article 26***

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

***Article 27***

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programs, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall

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promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

### *Article 28*

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

**Article 29**

1. States Parties agree that the education of the child shall be directed to:
  - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
  - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
  - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all people, ethnic, national and religious groups and persons of indigenous origin;
  - (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

**Article 30**

In those states in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

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### *Article 31*

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, recreational and leisure activity.

### *Article 32*

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and education measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
  - (a) Provide for a minimum age or minimum ages for admission to employment;
  - (b) Provide for appropriate regulation of the hours and conditions of employment;
  - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

***Article 33***

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

***Article 34***

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

***Article 35***

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

***Article 36***

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspect of the child's welfare.

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### *Article 37*

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

### *Article 38*

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in

hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavor to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

***Article 39***

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

***Article 40***

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not



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prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

- (i) To be presumed innocent until proven guilty according to law;
- (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
- (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
- (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
- (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
- (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- (vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

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4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

***Article 41***

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

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

**PART II**

***Article 42***

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

***Article 43***

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

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2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from

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among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

***Article 44***

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfillment of the obligations under the present Convention. Reports shall also contain sufficient

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information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

## *Article 45*

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

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(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

**PART III**

***Article 46***

The present Convention shall be open for signature by all States.

***Article 47***

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

***Article 48***

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

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### *Article 49*

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

### *Article 50*

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

***Article 51***

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all states. Such notification shall take effect on the date on which it is received by the Secretary-General.

***Article 52***

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

***Article 53***

The Secretary-General of the United Nations is designed as the depositary of the present Convention.

***Article 54***

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the Nations.



## Appendix G: 1994 Child Sex Abuse Prevention Act

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SECTION 160001 of the VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994, PUBLIC LAW 103-322 [H.R. 3355], September 13, 1994 reads as follows:

(g) TRANSPORTATION OF MINORS.-Section 2423 of title 18, United States Code, is amended-

(1) by striking "(a)Whoever" and inserting "(a)TRANSPORTATION WITH INTENT TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.-A person who"; and

(2) by adding at the end the following new subsection:

"(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.-

A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section 2245) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 10 years, or both."