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**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND A GENDER
PERSPECTIVE**

**Report of the Special Rapporteur on the human rights aspects of the victims of trafficking
in persons, especially women and children, Sigma Huda**

Addendum

Summary of cases transmitted to Governments and replies received*

* The report is being circulated as received, in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

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Introduction

1. This addendum to the report of the Special Rapporteur contains, on a country by country basis, summaries of the Special Rapporteurs' urgent appeals and other communications to governments on individual cases and general situations of concern to her mandate. The report also summarizes government replies received.

2. The Special Rapporteur identifies individual cases of concern to her mandate with reference to the definition of trafficking in persons contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking Protocol). Article 3 of the Protocol defines trafficking in persons as follows:

Use of terms

For the purposes of this Protocol:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs

(b) The consent of victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, trans, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

3. The Special Rapporteur recalls that in transmitting allegations and issuing urgent appeals, she does not make any judgment concerning the merits of the cases, nor does she necessarily support the opinions and activities of the persons on behalf of whom she intervenes.

4. During the period under review, 1 November 2004 to 31 December 2005, the Special Rapporteur sent 29 communications to 23 countries. All of her communications were sent jointly together with other independent experts. Most joint communications were sent together with the Special Rapporteur on the sale of children, child prostitution and child pornography (20) and the Special Rapporteur on violence against women, its causes and consequences (14). As of 10 February 2006, the Special Rapporteur had received 10 replies from concerned Governments and expresses her appreciation for the timely replies. The Special Rapporteur regrets that many Governments failed to respond and that some only responded selectively.

5. The Special Rapporteur's communications concerned a wide array of issues related to her mandate. These included: trafficking for purposes of commercial sexual exploitation, forced marriage, forced labour (including forced domestic work), child labour, and exploitation of children in armed conflict. Communications also addressed disappearances of children, contemporary forms of slavery and systematic sexual violence perpetrated by states or armed

non-state actors. A number of communications also addressed factors that cause or exacerbate trafficking in persons such as inadequate legislation, law enforcement gaps, corruption, refoulement despite a well-founded fear of torture or persecution, discrimination on the basis of gender, race or social status, poverty and lack of access to education.

6. The names of individual victims and alleged perpetrators appear in initials. They were spelled out in the actual letters addressed to Governments.

Bahrain

Communications sent by the Special Rapporteur

7. By letter dated **19 September 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, the Special Rapporteur on the sale of children, child prostitution, and child pornography, and the Special Rapporteur on violence against women, its causes and consequences, sent an allegation letter concerning the alleged **mistreatment of migrant women working as domestic workers in Bahrain**.

8. According to the information received migrant domestic workers, who typically live with their employers, are explicitly excluded from the protection of the 1976 Labour Law for the Private Sector. Many have to work 15 to 17 hours a day, seven days a week, and their employers often restrict their freedom of movement. Since their legal status in Bahrain depends on the continued visa sponsorship of their employers, migrant domestic worker who flee exploitative situations risk arrest, prolonged administrative detention and deportation. Their vulnerability is exacerbated by the fact that many employers take away their migrant domestic workers' passports, a practice that is reportedly officially tolerated. In addition, public authorities often privilege employers in disputes involving migrant workers.

9. In extreme cases, domestic migrant workers may also be subjected to physical or sexual abuse. In this connection, the Special Rapporteurs brought to the attention of the Government allegations relating to the situation of A.B.J., an Indonesian girl. A.B.J., then aged 16, was recruited through a Jakarta-based private employment agency by a Bahraini married couple, who agreed to sponsor her visa and employ her as a domestic worker. While she was actually born in 1989, the head of her Indonesian home village helped arrange for her a passport that falsely stated her date of birth as 1 August 1978. After A.B.J. arrived in Bahrain on 24 June 2004, her new employers took her passport away.

10. On the evening of 26 June 2004, the employer touched A.B.J.'s intimate body parts against her will. His wife was present when the incident occurred but did not protest. On the evening of the next day, after the wife had left the house, the employer forced A.B.J. to watch a pornographic film, tore off her clothes and touched her intimately once again even though she screamed in protest. The next morning, A.B.J. informed the wife about the incident but the wife did not react.

11. Approximately one month later, the wife told A.B.J. that she could earn additional money if she agreed to have sexual relations with men. On the evening of the same day, she was forced to leave the house with an unknown man. He took her to the premises of a factory where she was raped first by him and later by another man. The man told A.B.J. that he had paid the wife to

have sexual relations with A.B.J. Even though she was bleeding and suffered strong pain after the rapes, A.B.J. was not allowed to seek medical assistance. Instead, the wife gave her pain killers.

12. In the weeks thereafter, A.B.J. was forced to have sexual relations with a number of men, including the husband/employer. To diminish her resistance, A.B.J. was given stimulant drugs, presumably Methylenedioxyamphetamine (also known as Ecstasy). During the entire period she was confined to the house and not able to communicate by mail or telephone. Only on the occasion of a relative's visit she managed to contact her employment agency in Jakarta with the relative's mobile phone. The employment agency then organized her rescue.

13. A criminal investigation was opened and the husband was detained for a brief period of time but then released. A forensic medical examination proved that A.B.J. had had repeated sexual intercourse, but no blood test was taken to determine the nature of the drugs that A.B.J. had been given. The husband/employer was indicted for rape and the wife for facilitating prostitution. A court hearing is scheduled to take place in September 2005. A.B.J.'s former employers still retain possession of her passport and have neither paid her the wages agreed upon nor compensated her for the sexual violence suffered.

14. The Rapporteurs appealed to the Government to take all necessary measures to uphold the human rights of migrant domestic workers and protect them from being trafficked into sexual or economic exploitation. In this regard they recalled that the Trafficking Protocol, to which Bahrain has acceded, requires State Parties to establish comprehensive policies, programmes and other measures to prevent and combat trafficking in persons (Article 9).

Cambodia

Communications sent by the Special Rapporteur

15. On **14 December 2004**, the Special Rapporteur, jointly with the Special Rapporteur on violence against women, its causes and consequences, sent an allegation letter concerning **83 women in prostitution**. According to the information received, a raid was carried out on the Hotel Chay Hour II on 7 December 2004 by the Ministry of Interior's anti-trafficking police in conjunction with the NGO AFESIP (Agir pour les Femmes en Situation Précaire). Following an agreement with the anti-human trafficking police, 83 women in prostitution working in the hotel were brought to an AFESIP shelter. Two commune policemen stayed outside the shelter to provide protection for the women but they reportedly left later that night.

16. In the morning of 8 December 2004, a group of about 30 men and women, who claimed to be relatives of the rescued girls, came to see them at the shelter. They reportedly stayed there for a few hours while other people gathered outside. At around noon, people on both sides of the shelter's gate, some of them were armed with handguns, jointly acted to break open the gate.

17. Reportedly, as the gate opened, the girls ran out in commotion. One AFESIP staff member, who tried to prevent the girls from leaving, had her hair grabbed by a man who also attempted to slap her. There were also shouts of threats against AFESIP during the incident. It is further reported that before the raid, some of the women had expressed fears that the owner of the hotel Chai Hour II in Toul Kork would come to take them as he was very powerful. AFESIP

staff recognised at least one staff from the hotel at the scene. Reportedly, the three policemen from the ministry of Interior anti-trafficking department who had been assigned to provide protection to the shelter that morning were not able to control the situation. Police reinforcement reportedly came only when all the girls had already left the shelters.

18. A total of 91 women (83 from the hotel and 8 from other cases) left the shelter. Some left in some 3 to 5 vehicles waiting outside while others simply ran by foot. Only one girl, who hid in the bathroom, was reportedly left at the shelter after the incident.

19. In the evening, the municipal penal police chief and the Tuol Kok district police chief reported being unaware of the incident and that the raid had not been reported to them. Allegedly, the Head of the Anti-Human Trafficking and Juvenile Protection Department of the Ministry of Interior, whose officer took part in the operation on 7 December to release the trafficked women, also reported not being aware of the incident.

20. On 10 December, a press conference in which 50 women participated was held at the hotel. The women reportedly indicated that they were not sex workers and had fled on their own accord. Some 50 women also lodged a complaint against AFESIP and the anti-trafficking police for unlawful arrest and detention. According to the information received by the Special Rapporteurs, it is not clear whether these 50 women were the same as those who fled the shelter. It is reported that the shelter temporarily closed on Friday 10 December due to death threats against its staff during the attack.

21. The Special Rapporteurs expressed concerns for the physical and mental integrity of the women who left the shelter, as they may have been coerced into leaving or persuaded to do so under threat. The Rapporteurs recalled Article 6 of the Trafficking Protocol, which Cambodia has signed. The Protocol provides that each State Party shall endeavour to provide for the physical safety of the victims of trafficking within its territory. They also recalled the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the High Commissioner for Human Rights (OHCHR) and in particular the provision that calling on states to ensure that trafficked persons are protected from further exploitation and harm and have access to adequate physical and psychological care.

China

Communications Sent by the Special Rapporteur

22. By letter dated **19 December 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, the Special Rapporteur on torture and the Special Rapporteur on violence against women, its causes and consequences, sent an allegation letter to the Government of the People's Republic of China (PRC) to bring to its attention allegations of **trafficking and sexual exploitation of female** citizens of the Democratic People's Republic of Korea (DPRK) in PRC, especially in Jilin Province.

23. According to information received there are at least 50,000 DPRK citizens who have irregular visa status in the Korean Autonomous Prefecture of Yanbian (Jilin Province), which borders the DPRK and is home to about one million Chinese citizens of Korean ethnicity. While

a considerable number clandestinely crossed the international border into the PRC to escape persecution, many others fled the poor socio-economic situation.

24. Reportedly, about half of those who cross the border are women. After arriving in the PRC, many are trafficked and forced to marry or become the concubines of Chinese men. Human traffickers systematically target the women, who are usually hungry and desperate, by approaching them in the border region and promising them food, shelter, employment and protection. Once the traffickers have gained the women's confidence, the women are lured to an apartment, confined and then sold to local men. The buyers often lock their victims in the house, tie them up or take away their clothing to prevent them from escaping. In many cases, the women are also physically abused and raped.

25. Some women from the DPRK are also trafficked into the sex industry in Jinlin Province and other parts of the PRC. They are forced to prostitute themselves in brothels, which are often disguised as karaoke bars.

26. Women from the DPRK with an irregular visa status are extremely vulnerable to trafficking since the Chinese authorities have reportedly been instructed to arrest and deport DPRK citizens against their will, if they do not have a valid residence permit. The PRC reportedly considers these persons to be irregular migrants who cross the border only for economic reasons. This deportation policy has been adopted despite the fact that DPRK citizens face detention under cruel, inhuman and degrading conditions, ill-treatment and torture as well as, in extreme cases, summary execution in the DPRK. Human traffickers are well aware of this deportation policy and often manage to subdue their victims by threatening to report them to the authorities, if they resist.

27. The Special Rapporteurs, appealed to the Government not to deport citizen of the DPRK and to protect them from all forms of trafficking, exploitation and abuse. In this regard they recalled Article 3 of the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. They also made reference to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, developed by OHCHR and in particular to principle 2, which states that trafficked persons shall be offered legal alternatives to repatriations in cases where it is reasonable to conclude that such repatriation would pose a serious risk to their safety and/or to the safety of their families.

28. An allegation letter concerning the same issue was sent to the Government of DPRK (see below).

Democratic Republic of the Congo

Communications sent by the Special Rapporteur

29. Le **29 juillet 2005**, la Rapporteuse spéciale, conjointement avec le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, le Rapporteur spécial sur la torture, le Rapporteur Spécial sur la vente d'enfants, la prostitution d'enfants et la pornographie impliquant des enfants, le Rapporteur spécial sur le droit de toute personne de jouir du meilleur état de santé physique et mentale susceptible d'être atteint, l'Expert Indépendant sur la situation des droits de l'homme en République Démocratique du Congo, la Rapporteuse

spéciale sur la violence contre les femmes et la Représentante spéciale du Secrétaire général concernant la situation des défenseurs des droits de l'homme, a envoyé une lettre d'allégations concernant, les cas très répandus de **violence sexuelle indiscriminée et systématique et d'autres formes de violence perpétrées contre des femmes et des filles** depuis 1996.

30. Selon les informations reçues, des femmes et des filles, et parfois des hommes et des garçons, les plus jeunes âgés de 3 ans, auraient été violés, mutilés, torturés, forcés à l'esclavage sexuel, contraints à l'inceste, au mariage, au travail forcé et au pillage. Tous les groupes armés présents dans le pays, nationaux et étrangers (RCD-Goma, RCD-ML, Mai Mai, Mudundu 40, MLC, UPC, FNI, FDD et FNL burundais, des groupes armés de Hutus et ex-interahamwe, aussi que l'armée nationale congolaise, FARDC), seraient impliqués dans ces crimes.

31. Dans leur communication envoyée le 11 octobre 2004, les Rapporteurs spéciaux avaient exprimé leur crainte suite aux renseignements reçus selon lesquels, le 21 décembre 2003 à Songo Mboyo et Bongandanga, à Mbandaka, dans la Province de l'Equateur, 119 femmes et filles auraient été violées et soumises à d'autres formes de violence sexuelle par un bataillon d'ex-MLC. Les Rapporteurs spéciaux expriment leur préoccupation quant au fait de ne pas avoir reçu de réponse de la part du Gouvernement concernant l'investigation et la poursuite pénale des auteurs présumés de ces graves violations des droits de l'homme et la compensation et la réhabilitation des victimes et de leurs familles, et craignent que cette absence de réponse ne démontre l'impunité dont continue de bénéficier les auteurs de violence contre les femmes et les filles en RDC.

32. Les allégations de viols collectifs perpétrés en décembre 2003 ne sont qu'un exemple de violence contre les femmes et les filles. L'ampleur exacte de telles violences est difficile à mesurer, principalement à cause du manque d'informations officielles sur ces actes. Les victimes hésitent à porter plainte devant les autorités par crainte de représailles, en raison de la situation d'insécurité dans laquelle elles se trouvent, de l'existence de forts tabous culturels autour des violences sexuelles, et du manque de confiance envers les autorités. Les rapports indiquent en effet que la réaction des autorités aux plaintes est lente et insatisfaisante, et ce pour plusieurs raisons : la crainte de la police face aux agresseurs, l'insécurité générale dans le pays, la corruption et le manque de volonté de coopérer avec les autorités appropriées. Cette inaction des autorités entraîne une impunité générale pour les actes de violence commis contre les femmes et les filles, et cette culture d'impunité aggrave et encourage la poursuite de telles violences.

33. La violence sexuelle généralisée et systématique a entraîné la diffusion du SIDA et d'autres maladies sexuellement transmissibles, autant à l'intérieur qu'à l'extérieur du pays. Les conséquences directes de cela sont notamment : une augmentation du nombre d'orphelins et d'enfants nés avec le SIDA, et une augmentation du nombre de personnes handicapées du fait de leur maladie et de ce fait empêchées d'avoir toute activité économique qui leur permettrait de subvenir financièrement à leurs besoins. Les centres de santé, les cliniques et les hôpitaux, notamment dans les régions rurales, ne peuvent pas fournir les soins aux personnes infectées faute de ressources matérielles, financières et humaines. Parallèlement, les victimes ne sont pas capables d'aller à ces centres de santé en raison de la situation d'insécurité dans le pays et du manque de réseaux de transport. S'agissant de la lettre datée du 29 juillet 2005, la Rapporteuse spéciale estime que les enlèvements de femmes visant à soumettre celles-ci à l'esclavage sexuel constituent des formes aggravées de traite des personnes.

Dominican Republic

Communications sent by the Special Rapporteur

34. El **13 diciembre 2005**, la Relatora especial transmitió al Gobierno una carta de alegaciones juntamente con el Relator especial sobre la venta de niños, la prostitución infantil y la utilización de niños en la pornografía sobre **la situación de los menores explotados en la República Dominicana.**

35. Según la información recibida, 25 000 menores son explotados a través de la prostitución, pornografía, pedofilia y turismo sexual en la República Dominicana. Además unos 45 000 menores estarían explotados en el servicio doméstico. Estas cifras incluirían tanto menores dominicanos como menores de Haití.

36. Los menores dominicanos y haitianos serían vendidos a pedófilos y turistas sexuales por un promedio de entre 300 y 800 dólares. La mayoría de las zonas de prostitución de menores para la demanda local serían propiedad de personal de las fuerzas armadas dominicanas. Algunos de estos menores serían sacados de manera ilegal de la República Dominicana y trasladados a otros países. Generalmente los extranjeros involucrados en este negocio serían deportados a sus respectivos países pero no serían enjuiciados por los delitos cometidos.

37. Se calcula que cada año unos 2000 menores serían traficados de Haití a la República Dominicana. La tercera parte de estos niños serían trasladados por las montañas y el resto pasaría por puestos fronterizos oficiales como los de Dajabòn, Elías Piña y Jimani. Los traficantes recibirían alrededor de 600 pesos, la mitad de los cuales les serviría para sobornar a miembros de las autoridades de migración. Las redes que se dedican al comercio de menores estarían bien estructuradas. Se alega también que las compañías azucareras estarían implicadas, y que comprarían menores a los traficantes.

38. Algunos de estos niños serían secuestrados en Haití pero en una mayoría de los casos habrían sido sus padres los que les habrían puesto en manos de traficantes, para asegurar su paso seguro con la supuesta esperanza de que tendrán una vida mejor. La mayor parte de los menores serían objeto de maltratos físicos y verbales durante su traslado de Haití a la República Dominicana. Una vez en la República Dominicana, la mayoría de estos muchachos haitianos estarían obligados a pedir limosna o limpiar zapatos en las calles y la mayoría de las muchachas serían empleadas en trabajos domésticos para el beneficio de bandas criminales. Las adolescentes terminarían usualmente en la prostitución.

39. Los Relatores especiales llamaron la atención del Gobierno sobre el Protocolo para Prevenir, Reprimir y Sancionar la Trata de Personas, Especialmente Mujeres y Niños, según el cual “trata de personas” incluye la captación, el transporte, el traslado, la acogida o la recepción de personas menores de 18 años con fines de explotación. Los Relatores especiales también instaron al Gobierno que adoptara todas las medidas necesarias a investigar, procesar e imponer las sanciones necesarias a cualquier persona responsables de las violaciones alegadas y a que tomara las medidas necesarias para evitar que se repitan estos hechos.

Greece

Communications sent by the Special Rapporteur

40. By letter dated **1 December 2004**, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution, and child pornography, brought to the Government's attention information on the **disappearance of a large number of children, in their majority Albanian, from the Greek residential care institution Agía Varvara**, where they had been placed by Greek authorities over the period 1998-2002.

41. According to the information received, out of the 661 children placed in Agía Varvara between 1998 and 2002, 560 were Albanians, almost all Roma, 45 Greeks, almost all Roma, 40 Iraqi, and 16 from 6 other countries. 502 of them went missing.

42. The disappearance of the children allegedly occurred in the course of the implementation of a government project titled "Protection and Social Care of Street Children". The project was reportedly aimed at providing accommodation, care and rehabilitation to the growing number of children in inner-city areas of Greece.

43. An investigation into these facts carried out by the Greek Ombudsman and made public in March 2004 confirmed that a large number of children escaped from the institution and were officially missing as they had not been relocated by the police or other authorities.

44. The Ombudsman observed numerous deficiencies concerning the implementation of the project, such as: a) the institution was not set-up to protect victims of trafficking and exploitation as it was a care home for girls; b) there was no provision for additional funding or for special staffing required by the project; c) the staff was inadequate, without specialized training on the rights and specific needs of this group of children; d) there was no translation to facilitate communication between staff and those children who did not speak Greek.

45. As a consequence of these deficiencies, many children reportedly escaped shortly after admission. Some children, whose families were located in Albania, were repatriated. However, no procedures were reportedly followed or measures taken to guarantee their safe return to an appropriate family environment.

Response by the Government

46. By letter dated **18 March 2005**, the Government informed that the Security Directorate of Attica/Sub-Directorate for the Protection of Minors was instructed, following an order issued by the Public Prosecutor of the First Instance Court of Athens, to carry out a preliminary investigation on this matter and to investigate any offences committed against these children. The preliminary report was concluded and had already been forwarded to the Public Prosecutor.

47. The Government also provided information on general measures to protect minors in Greece. The Hellenic Police pays special attention to the protection of minors from the risks to which they were exposed, particularly minors who loiter, a condition that may lead to criminal tendencies. For this purpose, police officers provide all possible protection against risk to their physical, moral and mental well-being, including assistance requested by judges dealing with

minor and juvenile cases and assistance requested by elementary and secondary school directors. The police also provides information to the competent protection authorities and pursues cases of exploitation, neglect or mal treatment. Furthermore, the police enforces relevant legislation, including laws on age restriction for certain activities and locations, laws on parent supervision and neglect of minors and, in collaboration with the labour authorities, laws related to the employment of minors. The police would also arrest and bring before court minors who led a vagrant or immoral life or seek means of livelihood in gambling or other activities that could result in criminal acts. The Government highlighted policies adopted to ensure that juvenile suspects were treated kindly and with respect. The Government also informed the Special Rapporteurs about various general measures to protect students and listed authorities charged with the protection of minors.

Follow up by the Special Rapporteur

48. By letter dated **20 April 2005**, the Special Rapporteur, joined by the Special Rapporteur on the sale of children, child prostitution and child pornography, thanked the Government for its response dated 18 March 2005 regarding the alleged disappearance of a large number of children from the Greek residential care institution Agía Varvara. The Special Rapporteurs noted that, while appreciating information on the work and competencies of the Hellenic Police Force for the protection of minors and on the services pertaining to minors, they would have appreciated receiving information on the specific case, in particular information on the outcome of the preliminary investigation carried out by the Directorate of Attica/Sub-Directorate for the Protection of Minors and on the status of the case.

India

Communications sent by the Special Rapporteur

49. On **14 September 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women, its causes and consequences, sent a letter of allegation to the Government of India concerning **a girl child and her 19-year old mother P.K. who were sold in a public auction in Chirgaon village, Latehar District, Jharkhand**. According to information received, the mother was sexually abused over the course of the previous year by four men of her village, J.T., N.J., L.M. and L. As a result of this, she gave birth to a girl child. She then demanded the four villagers to take responsibility of her baby. The village heads first decided that the men should pay some money to the mother, but as she refused, they decided to auction the mother and her child off. On 20 August 2005, P.K. and her daughter were sold for six rupees to S. of Balumath village, the event being celebrated by the village rs. It is reported that some days later, a young man married her and adopted her daughter, which met with everyone's approval. However, and despite a raid conducted by the police, at the time the information was received, the men involved in the offence had not been arrested.

50. The Special Rapporteurs recalled articles 6,7 and 8 of the Trafficking Protocol, entitled "assistance to and protection of victims of trafficking in persons", "status of victims of trafficking persons in receiving states" and "repatriation of victims of trafficking in persons" respectively. They also made reference to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by OHCHR, and in particular to guidelines 6

and 8, referring to the support to trafficked persons and to special measures for the protection and support of child victims of trafficking.

51. By letter dated **7 November 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on violence against women, its causes and consequences, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent a letter of allegation concerning **sexual exploitation of underage girls in Varanasi, State of Uttar Pradesh**. According to the information received, about 50 girls, all of them apparently younger than 18 years, were trafficked from the States of West Bengal, Orissa and Bihar to Varanasi, where they were forced to prostitute themselves at a brothel in Shivaspur, the city's red-light district. The brothel was reportedly operated by R.K. (also known as R.A.) and his wife A. On 24 October 2005, Mr. Ajeet Singh, the founder and president of Guria Swyam Sevi Sansthan, informed police officers at the Maduadih Police Station about this situation. Guria Swyam Sevi Sansthan is a non-governmental organization that helps prostitutes and their children to become aware of their human rights and offers them an alternative lifestyle. Ajeet Singh was reportedly told by the police to go to the location and that the police would follow shortly. However, hours later, the police had not arrived. Concerned that the brothel owners would be tipped off by corrupt police officers and move the girls to a different location, Ajeet Singh, his wife and approximately 200-300 other private volunteers entered and searched the brothel and began to remove the girls from the building. When the police finally arrived at the scene at 6 pm, police officers reportedly tried to prevent Guria workers and the girls from boarding buses taking them to the local police station. Faced with intense protests from Guria volunteers and bystanders, police finally backed down and agreed that the girls be removed from the area. At this point, only 31 of the estimated 50 girls, who were initially in the building, were still present. The 31 girls were handed over to the police, where they received medical attention and were taken to a local women's shelter. Reportedly, the authorities have since acknowledged that 17 girls were younger than 18 years old. The same day, Ajeet Singh filed a First Information Report (FIR) against R.K., A. and two minor accomplices alleging violations of the Immoral Traffic Prevention Act (ITPA). While the two minor accomplices were arrested, R.K. and A. managed to escape. It is further reported that a counter FIR was filed against Ajeet Singh for trespassing, robbery, out-raging the modesty of women, rioting and unlawful assembly.

52. The Special Rapporteurs recalled the Trafficking Protocol and appealed to the Government to investigate and prosecute all persons involved in the trafficking and sexual exploitation of girls, while ensuring that the girls' human rights and best interest be at the centre of all efforts to resolve the situation. The Rapporteurs also asked that the Government investigate and, if warranted, administratively discipline and prosecute police officers who failed to investigate allegations or actively obstructed the removal of the girls from the brothel.

Indonesia

Communications sent by the Special Rapporteur

53. By allegation letter dated **12 July 2005**, the Special Rapporteur jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women, its causes and consequences, brought to the Government's attention information concerning **inadequate protection of child domestic**

workers , especially girls, against economic exploitation and psychological, physical and sexual abuse . According to the information received, over 680,000 domestic workers in Indonesia are children below the age of eighteen; more than 90% of them are girls. Many girls from poor families become domestic workers upon completing primary school around the age of twelve years, because their families can no longer afford to pay for tuition and school books, need the girls' contribution to the family income and often also consider the education of girls to be less important. For the same reasons, other girls leave school and become domestic workers before completing the nine years of basic education required by Indonesian law. The children are recruited by formal and informal labour agents, friends, relatives, or directly by the employers. The recruiters often deceive the children and their families by falsely promising them educational opportunities and comparatively high wages. In the majority of cases child domestic workers live with their employers, where they are often made to work 14 to 18 hours a day, seven days a week. Many child domestic workers only receive very few days off every year to visit their families for Eid-ul-Fitr at the end of Ramadan. Most child domestic workers also have to discontinue their education because their employers do not give them the time or permission to attend a school. Furthermore, employers often withhold the salary for several months and eventually pay less than agreed. Frequently, employers psychologically abuse the children through verbal insults and taunts. In some cases, child domestic workers are also physically or sexually abused and then prevented from accessing essential medical care.

54. It is commendable that a Presidential decree from 2002 recognizes the physical and economic exploitation of child domestic workers as one of the worst forms of child labour. However, the information received indicates that both the laws and the administrative practice to protect child domestic workers against exploitation and abuse are inadequate. Domestic workers are reportedly excluded from the 2003 Manpower Act that provides for protective measures such as a written contract, minimum wages, overtime pay, working hours, rest and vacation. Similarly, the 31 October 2003 Decree of the Minister of Manpower and Transmigration does not cover child domestic workers as it bars only employers in the formal sector from making children work overtime. The same Ministerial Decree sets the minimum working age for all children, including child domestic workers, at 15 years, and prohibits children below the age of 18 to work at night (6 p.m. to 6 a.m.) or in conditions hazardous to their health, safety or morals. However, in practice, the National Ministry of Manpower and local labour authorities consistently fail to enforce the minimum age limits for child domestic workers. The Child Protection Law, the Domestic Violence Law and Jakarta Provincial Regulation 6/1993 would also outlaw certain forms of exploitation and abuse of child domestic workers. However, the Special Rapporteurs were informed that the labour authorities refuse to receive complaints about abuse or exploitation from child domestic workers. Instead, child domestic workers have to turn to the police, who often dissuade them from pursuing their cases in court and pressure the children and their families to settle out of court.

Responses by the Government

55. By letter dated **29 November 2005**, the Government replied that it shares the concerns expressed by the three Special Rapporteurs on the large number of children working in the domestic labour sector in Indonesia and emphasized that this is an issue of importance to the Government. A number of factors, including historical and developmental issues, have hampered the full protection and implementation of measures to fully protect child domestic workers.

However, the Government has various mechanisms and laws in place to ensure the best possible protection of the rights of children, including child domestic workers.

56. According to the Government, special task forces have been set up to address specific acts of violence against children, in accordance with the National Plan of Action (NPA) for the Elimination of Commercial Sexual Exploitation of Children and the NPA for the Elimination of Violence against Women. The Government also cooperates with a number of non-governmental organizations to ensure that there are no gaps in the existing legal system. The police has been trained to deal with complaints of violence against children and an Integrated Service Centre was established to process and resolve such complaints by encouraging prosecution or dispute settlement through community accepted methods. Non-governmental organizations are also cooperating with the police in order to facilitate the filing of complaints relating to violence against children and have established a telephone hotline for children.

57. The Government also notes that education plays a crucial role in eliminating child labour in Indonesia. For this purpose and in following up to international and regional measures, policies have been developed on education and national awareness-raising seminars. Law No. 20 of 2003 on the National Education System has made the attendance of nine years of primary schooling and junior high school obligatory for both boys and girls. The Government is also granting scholarships to children and financial support to low-income families in order to encourage continued education. The amended Constitution stipulates that 20% of the state and regional budgets have to be specifically spent on education. In 2005, the Government increased its education budget to Rp. 33 trillion (8.4% of the overall budget) and hopes to progressively increase its spending over the next four years to meet the budget objectives.

58. The Penal Code and the Child Protection Act of 2002 criminalize trafficking in persons and the economic or sexual exploitation of children. These norms also provide for severe penalties. The Government has also implemented the NPA for the Elimination of the Worst Forms of Child Labour, the NPA against the Commercial Sexual Exploitation of Children and the NPA against Trafficking in Women and Children. Furthermore, the Government was also a key initiator of the Bali Process, which aims at combating smuggling and trafficking in persons in the Asia-Pacific region and beyond.

59. Police have received human rights training and law enforcement officials were also provided with specific training on trafficking. A newly established child welfare hotline recorded almost six hundred cases of violence against children in East Java in early 2005. Between January 2004 and January 2005 police also investigated 125 cases of trafficking, 67 of which have resulted in prosecutions and approximately 35 in convictions. There are also rape crisis centres around the country, staffed with female officers and equipped with special service room units.

60. In 2002, the National Committee on Child Protection and the Indonesian Commission on Child Protection were set up to monitor and evaluate the implementation of the Law on Child Protection. In November 2004, the Domestic Violence Law was enacted, which also protects persons working in homes from all forms of violence and provides for sanctions against perpetrators.

61. The National Commission of Human Rights has extended its mandate to include the rights of the child, which are under the mandate of the Sub-Commission on the Protection of Special Groups. It can deal with individual complaints, act as a mediator and control the implementation of child protection measures. One commissioner has been assigned to handle issues concerning children.

62. In conclusion, the Government reiterates that the infrastructure to remedy violations and offer compensations already exists. It notes that it is a challenge to disseminate values and to monitor and enforce their implementation in the biggest archipelago in the world due to its sheer cultural diversity and sprawling size, particularly in the context of scarce resources, uneven levels of social and economic development within and between provinces, and bureaucratic problems posed by regional autonomy in the transitional period.

Israel

Communications sent by the Special Rapporteur

63. By letter dated **23 May 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on violence against women, especially women and children, brought to the Government's attention information received concerning the **treatment of female victims of trafficking and the administration of awards and compensation payments to victims not residing in Ma'agan**, a women's state-run shelter in Israel. According to the information received female victims of human trafficking feel pressured to testify in court because certain benefits are being tied to them giving testimony. Reportedly, a legal counsel is only provided to those victims who agree to testify. Many victims do not even receive a simple briefing about their rights. Secondly, it is police officers, not social workers, who decide who is referred to the state-run shelter Ma'agan. As a result, the facilities would only be made available to victims of human trafficking who agree to testify. This reportedly occurs in contravention of a government decision that the state shelter shall be open to all victims. Furthermore, access to health institutions is reportedly only granted to victims staying at the shelter. As a consequence, access to health benefits would also depend on the victims' willingness to cooperate with the law enforcement authorities.

64. Moreover, the prominent role of police officers in making referrals to the shelter coupled with stiff, yet not properly explained, shelter procedures (particularly with regard to options to leave the shelter temporarily), reportedly lead many victims to assume that they have committed a crime and that they are facing criminal prosecution. Police officers reportedly threatened a victim from Belarus telling her that if she did not testify she would be arrested and prosecuted by the authorities in her home country. Furthermore, protection of victims during their trials is somewhat wanting. Courts allegedly do not make use of certain legal provisions, such as those found under The Prior Testimony in Trafficking of Women Law Act, which allow for the better protection of the victims by, for example, either allowing the victims to give evidence outside of court prior to their hearing, or in court without the perpetrator being physically present or in such a way that they cannot be seen.

65. According to the information received, when the criminal verdict against traffickers requires them to provide compensation to their victims, the money awarded is deposited with the

court and can only be withdrawn by a legal resident holding a bank account. As a consequence, victims who have already been deported to their countries of origin cannot receive the awarded amount. In one reported case, the accused were sentenced to pay 25,000 NIS in compensation to the victims. Since the victims had already returned to their countries of origin, they designated a non-governmental organization, the name of which is known to the Special Rapporteurs, to receive the money on their behalf. The court denied the request holding that the wording of the relevant statute does not provide for the disbursal of awarded compensation to designated representatives. The common practice of immediately deporting victims after they testify against their traffickers also denies victims the possibility to file a civil suit against the perpetrators who are convicted as a result of their testimony.

66. The Special Rapporteurs appealed to the Government to take all necessary measures to guarantee that victims of trafficking be free from any gender-based violence, discrimination and abuse. In this connection, they referred to the Declaration on the Elimination of Violence against Women. They also referred to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, in particular to Principle 7 stating that trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry or residence in countries of transit and destination, or for their involvement in unlawful activities to that extent that such involvement is a direct consequence of their situation as trafficked persons. The Rapporteurs also made reference to Principles 6 and 8, referring to the support to trafficked persons and to special measures for the protection and support of child victims of trafficking.

Democratic People's Republic of Korea

67. By allegation letter dated **20 December, 2005**, the Special Rapporteur, jointly with the Special Rapporteur on freedom of religion, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the question of torture, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, and the Special Rapporteur on violence against women, its causes and consequences, brought to the Government's attention information received concerning allegations of **trafficking of female citizens of the Democratic People's Republic of Korea (DPRK) in the People's Republic of China (PRC). The problem is exacerbated by their cruel, inhuman and degrading punishment upon their deportation from the PRC to the DPRK.**

68. According to information received nationals of the DPRK commit a criminal offence if they leave the country without official permission. Article 233 of the revised 2004 Criminal Code makes the crossing of an international border without permission a criminal offence punishable by up to two years in a labour training camp (nodong danryundae) or a detention centre (jipkyulso), in grave cases up to three years. According to Article 62, defection to a foreign country or to the enemy in betrayal of the country and the people is a criminal offence punishable by no less than five years of detention in a political labour camp (kwanliso) or a re-education labour camp (kyohwaso). In extremely grave cases the offence allegedly carries the death penalty.

69. Despite these harsh penalties, a considerable number of citizens of the DPRK clandestinely cross international borders. Reportedly, there are at least 50,000 DPRK citizens who have an irregular visa status in the Korean Autonomous Prefecture of Yanbian (Jilin Province, PRC), which borders the DPRK and is home to about one million Chinese citizens of

Korean ethnicity. While a considerable number of them leave DPRK to escape persecution by the Government for reasons of religion, membership of a particular social group or political opinion, many others flee from the dismal socio-economic situation.

70. The People's Republic of China has a general policy of arresting and deporting DPRK citizens who do not possess valid visas. The Chinese authorities reportedly consider them to be irregular migrants who cross the border for purely economic reasons. Upon their return to the DPRK, deported persons are usually first taken to the state security agency (bowibu) where they are subject to beatings, humiliating body searches, and interrogated on their activities in China. After the interrogations, which can take a week or longer, the majority of persons are sent without trial or any form of judicial process to a labour training camp (nodong danryundae) or a provincial detention centre (jipkyulso), close to their hometown. Upon arrival, they are usually again stripped, searched, interrogated and beaten. Detained for several months in inhuman conditions in overcrowded, unsanitary cells, they are forced to perform long hours of hard labour. Some detention centres force prisoners to attend re-education sessions every night. Food rations usually consist of corn gruel or soup with a bit of cabbage, three times a day. The combination of hard labour, sub-standard food and unsanitary living conditions results in high illness rates. Detainees who become seriously ill are often released since there is no medical care available in these institutions and the authorities do not want to be burdened with a dying inmate.

71. Citizens of the DPRK, who the authorities believe to have made contact with churches, citizens of the Republic of Korea or journalists or to have engaged in any other conduct officials consider to be political betrayal, are usually sent without trial or any form of judicial process to a political labour camp (kwanliso) or a re-education labour camp (kyohwaso), and detained for periods ranging between several years and a lifetime. Detainees have to perform hard labour while being perpetually kept on the verge of starvation. Reports also indicate that many detainees are subjected to various forms of torture.

72. Summary executions have also been reported to occur in detention facilities. In 1999, for instance, two women were reportedly executed in Onsong Detention Centre after they confessed to having converted to Christianity.

73. The cruel, inhuman and degrading punishment of DPRK citizens who clandestinely crossed the border into the PRC and were then deported also exacerbates the human trafficking of women from the DPRK, who make up about half of all those who cross the border. Upon arrival in PRC, many of these women are trafficked and forced to marry or become the concubines of Chinese men. Human traffickers systematically target the women, who are usually hungry and desperate, by approaching them in the border region and promising them food, shelter, employment and protection. Once the traffickers have gained the women's confidence, the women are lured to an apartment, confined and then sold to local men. The buyers often lock the women in the house, tie them up or take away their clothing to prevent them from escaping the forced relationship. In many cases, the women are also physically abused and raped by their buyers. Some women are also trafficked into the sex industry in Jinlin Province and other parts of the PRC. They are forced to prostitute themselves in brothels, which are often disguised as karaoke bars.

74. Since they fear deportation to and punishment in the DPRK, the women are effectively denied access to the protection of the Chinese authorities. Human traffickers are well aware of

this fact and use it to subdue their victims by threatening to report them to the Chinese authorities if they resist.

75. The situation is particularly dire for women who have become pregnant as a result of sexual exploitation in forced marriages or the sex industry and are then deported. Pregnant women who the DPRK authorities suspect of being impregnated by Chinese men are often subjected to particularly harsh treatment and also torture. Their pregnancies are considered evidence of indecent sexual relations with foreigners and a betrayal of the home country. In the past, there have also been reports about cases in which women were forced to have abortions or newly born infants were murdered.

76. The Special Rapporteurs recalled articles 6,7 and 8 of the Trafficking Protocol, entitled “assistance to and protection of victims of trafficking in persons”, “status of victims of trafficking persons in receiving states” and “repatriation of victims of trafficking in persons” respectively. They also referred to Recommended Principles and Guidelines on Human Rights and Human Trafficking, launched by OHCHR, and in particular to Guideline 7, stating that trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry or residence in countries of transit and destination, or for their involvement in unlawful activities to that extent that such involvement is a direct consequence of their situation as trafficked persons. The Rapporteurs also made reference to guidelines 6 and 8, referring to the support to trafficked persons and to special measures for the protection and support of child victims of trafficking.

77. An allegation letter concerning the same issue was sent to the Government of the PRC (see above).

Response by the Government

78. By letter dated **4 January 2006**, the Government returned the Special Rapporteurs’ letter dated 20 December 2005 stating that the forces hostile to the DPRK were becoming ever more reckless in their attempts to defame, disintegrate and overthrow the state and social system of the country. As part of these attempts they were resorting to every possible means in the international human rights field including by continuing to circulate fabricated information on and forcing the allies and various individuals of the world to join their plot against the DPRK. In the light of its political motives, provocative nature and fabricated contents, the joint letter, was construed as a product of a conspiracy undertaken in line with hostile forces’ attempts. Therefore, the Government rejected the joint letter.

Kuwait

Communications sent by the Special Rapporteur

79. By allegation letter dated **10 May 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, brought to the Government’s attention information concerning **Ms. V., a domestic worker from India employed in the United States by a Kuwaiti diplomat**.

80. According to the information received, Ms. V. was trafficked and abused by her employer, a Kuwaiti Mission representative to the United Nations in New York. For four years,

Ms. V. was forced to work for her employer as a nanny and housekeeper. Her passport was confiscated. She worked seven days a week, up to 18-hours a day. She was subjected to physical and sexual abuse, threatened with physical force and verbally assaulted. On one occasion her employer bit her in the face and on another the employer threw a suitcase at her. She was kept in near isolation. Her employers required her to keep her eyes on the ground when she was taken out of the house so as to avoid making eye contact or speaking with anyone. Her employers also limited her contact with her family and locked her in a room when visitors came to the apartment. They threatened her that the police would arrest her if she left the home alone. Though some money was sent to her family intermittently as compensation for Ms. V.'s work, the amount of payment her family received was about one tenth of the amount the employers had agreed to pay her and was drastically below the minimum wage under U.S. law. It is also alleged that Ms. V.'s employers prevented her from practicing her religion. Though Ms. V. feared retaliation from her employers, after four years of abuse she finally escaped from their home.

81. Ms. V. found legal representation and filed suit against her employers seeking restitution for the abuses she suffered. She sought the wages to which she was entitled under U. S. law. In March 2004, she testified before a federal U.S. court about the abuse and exploitation she experienced. She waited almost three years while her case moved through the legal process; but her case was ultimately recommended for dismissal because her employers were diplomats immune to civil suit. As a result, Ms. V. is foreclosed from seeking judicial remedy and she is now trying alternate avenues of redress.

Response by the Government

82. By letter dated **15 July 2005**, the Government provided the following information regarding the case of Ms. V. The diplomat against whom these allegations have been brought is a person of good reputation and high moral standing. This is attested by the fact that Ms. V. worked for him and his family in Kuwait for six years and that she herself urged the diplomat's wife to take her with them to New York.

83. Ms. V. was granted all her rights with respect to leave and health care. Although she had suffered from tuberculosis since childhood, she kept her condition hidden from her employers. In spite of this, the diplomat promised the health authorities in Kuwait that he would assume responsibility for her care and, indeed, she was treated for her condition by one of the most eminent specialists in New York. On humanitarian grounds, the diplomat incurred enormous expense for her treatment (documents attached) and faced the risk of transmission of this infectious disease to his children.

84. Ms. V. was informed each time her monthly salary was remitted to her country. The fact that her name and account number are registered with the Bank of India in Park Avenue, New York, disproves her claim that the diplomat did not pay her salary. Indeed, the payments into her account were made by the diplomat himself.

85. As for the allegation that she was prevented from practising her religion, the diplomat's wife encouraged her to go to church, but she demurred on the grounds that she was unfamiliar with churches in the United States. The diplomat's family was obliged to go to church with her on a number of occasions in order to encourage her to attend services. Ms. V. brought this suit in 2002, i.e. two years after leaving her employment.

Malawi

Communications sent by the Special Rapporteur

86. On **17 October 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography sent an allegation letter to the Government concerning an alleged failure to adequately suppress and punish the **trafficking of Malawian boys into Mozambique and Zambia**, where they were economically exploited.

87. According to information received, estate owners from Mozambique and Zambia come to Malawi during the harvest time in August to recruit boys as young as 9 years for agricultural work under harsh conditions.

88. In one such instance, M.B., a Zambian national, was arrested in Mchinji district on 20 August 2005 as he attempted to cross the border into Zambia with 15 children, whom he allegedly planned to exploit for child labour. The youngest of the children was only 10 years old. Sources allege that M.B. was collaborating with other unidentified accomplices from the Mchinji area.

89. The Mchinji Magistrate Court sentenced M.B. to a fine of 24,000 Kwacha. The imposition of a mere monetary fine was possible since Section 136 of the Penal Code only criminalizes the abduction of girls under 16 years of age, whereas there are no laws criminalizing the trafficking of boys. After paying the fine, M.B. was allowed to leave for Zambia.

90. The Special Rapporteurs referred to the Trafficking Protocol, to which Malawi has acceded, and recalled that it requires States Parties to adopt such legislative and other measures as may be necessary to establish as a criminal offence all conduct amounting to trafficking in persons, including attempting to commit such offences, participating as an accomplice in such offences, or organizing or directing other persons to commit such offences. The Rapporteurs also recalled the Recommended Principles and Guidelines on Human Rights and Human Trafficking, in particular Principle 13 calling on states to effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-state actors. Principle 15, stating that effective and proportionate penalties shall be applied to individuals and legal persons found guilty of trafficking or of its components or related offences, was also mentioned.

Response by the Government

91. By letter dated **29 November 2005**, the Government responded that it had noted the concerns catalogued in the letter dated 17 October 2005 and forwarded them to the competent authorities for their action. The Government informed the Special Rapporteurs that it remained committed to fight all forms of trafficking and child labour, and had on its own initiative been reviewing its legislation to come up with an efficient and exclusive draft to address shortcomings in its legislation. The Government also stated that it would revert to the Special Rapporteurs in due course with a response upon being apprised by the competent authorities.

Myanmar

Communications sent by the Special Rapporteur

92. By letter dated 16 June 2005, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Rapporteur on violence against women, its causes and consequences, sent a letter of allegation concerning corruption in the issuance of mandatory national registration cards, which allegedly restricted freedom of movement and exacerbated the trafficking of women and girls from Kachin state and Shan state into China and Thailand, as well as within Myanmar.

93. According to the information received, national registration cards were required in order for citizens to pass police and military checkpoints set up along the main roads, as well as to cross the borders into China or Thailand. However, although national law required that a national registration card be issued to every citizen, reports indicate that citizens living in Kachin state and the Shan state faced considerable difficulties in obtaining these documents, primarily because local officials routinely demanded the payment of significant bribes (around 10,000 kyat) before issuing a national registration card. In these circumstances, women and girls were particularly vulnerable to becoming victims of trafficking and sexual exploitation. Due to a reported lack of employment and widespread poverty in Kachin state and Shan state, women and girls from these areas felt in fact compelled to migrate and find better opportunities elsewhere. Many young women and girls reportedly could afford or were unwilling to pay the bribes and remained without a national registration card. In some instances, it is reported that girls want to travel abroad and earn money in order to “buy” a national registration card, which is required for the completion of high school exams and entry into university.

94. In addition, the Eastern Shan State Regional Command had reportedly imposed rules prohibiting women and girls between the ages of 16 until 25 to cross the border into Thailand without a legal guardian. These circumstances left women and girls susceptible to traffickers who reportedly promise their victims that they can facilitate travel past the checkpoints and borders even without national registration cards or a legal guardian by either bribing checkpoint officials or posing as their relatives or guardians. Subsequently, these women and girls were frequently forced into prostitution or sold as wives. The victims were reportedly afraid to denounce the abuses to state enforcement authorities because they feared arrest and deportation by the Chinese or Thai authorities for illegal entry followed by punishment by the Myanmar authorities for illegally leaving the country. Also, the existence of checkpoints throughout Myanmar made it reportedly harder for internally trafficked women to escape their situation and return home to their families. A woman who did not have a national registration card (e.g. because the trafficker took it away from her) would face arrest or extortion of bribes at every checkpoint she would have to pass. Furthermore, because of the alleged corruption in the national registration card system, traffickers reportedly held multiple identity cards under different names, making it nearly impossible to determine their true identity and pursue prosecution.

95. The Special Rapporteurs drew the attention of the Government to the Trafficking Protocol, to which Myanmar acceded in 2004 and in particular to Article 9, stipulating that States Parties should take or strengthen measures to alleviate factors that make persons, especially

women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunities. They also referred to Article 12, providing that States Parties shall take such measures as may be necessary, within available means, to ensure the integrity and security of travel or identity documents issues by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

96. They also referred to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, in particular to Principle 6, stating that states shall exercise due diligence in identifying and eradicating public sector's involvement or complicity in trafficking. All public officials suspected of being implicated in trafficking shall be investigated, tried and, if convicted, appropriately punished. They also referred to Principle 7, stating that trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry or residence in countries of transit and destination, or for their involvement in unlawful activities to that extent that such involvement is a direct consequence of their situation as trafficked persons.

97. By **letter dated 2 November 2005**, the Special Rapporteur, jointly with the Independent Expert on minority issues, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on the situation of human rights in Myanmar, and the Special Rapporteur on violence against women, its causes and consequences, sent an urgent appeal concerning, among other concerns of widespread and systematic violence against women and girls in Myanmar, specific concerns concerning the issue of trafficking.

98. Whilst commending efforts by the Government on the progress that had been made in addressing human trafficking, including educational campaigns and the establishment of a police anti-trafficking unit, it was nevertheless reported that many women and girls continued to be trafficked for forced labour and sexual exploitation. Trafficking was taking place from Myanmar to neighbouring countries, and within Myanmar from poorer agricultural rural areas towards urban centres, mining areas, areas near military bases and cities along trade routes and the border where prostitution was common. Moreover, the spread of HIV/AIDS within the country and from Myanmar to neighbouring countries, due to the extent of trafficking was an issue of rapidly mounting concern in the region. The attitude of families added to the cycle of migration and exploitation since families were reported to put pressure on their female members to contribute to the family's finances as a result of their extreme poverty. Corruption and complicity amongst local and border officials, who also profited from trafficking, are also a cause for serious concern. Concerning all of the above allegations, on most counts, civilians in ethnic minority areas such as Shan, Karen, Kayah and Mon States were especially vulnerable to such violations.

Niger

Communications sent by the Special Rapporteur

99. Le 4 août 2005, la Rapporteuse spéciale a envoyé une lettre, conjointement avec le Rapporteur spécial sur la vente d'enfants, la prostitution d'enfants et la pornographie impliquant des enfants, le Rapporteur spécial sur les formes contemporaines de racisme, de discrimination raciale, de xénophobie et de l'intolérance qui y est associée, et la Représentante spéciale du

Secrétaire général sur la situation des défenseurs des droits de l'homme concernant **les situations de traite des personnes, de travail forcé, d'esclavage ainsi que les pratiques qui y sont analogues.**

100. Le Niger ne posséderait pas encore de législation spéciale criminalisant toutes les formes de traite des personnes, et le comité d'experts du Ministère de la Justice responsable des politiques contre la traite des personnes n'existerait plus.

101. Le Niger serait devenu un pays de transit pour le trafic de femmes et de jeunes filles en provenance du Nigeria, Ghana, Togo, Bénin, Burkina Faso, Gabon et Niger. Ces femmes et jeunes filles de 15 ans pour les plus jeunes seraient envoyées vers le Maghreb ou l'Europe, où elles seraient forcées de se prostituer, ou encore vers le Proche Orient où elles seraient exploitées en tant que domestique. Dans certains cas, c'est sur le territoire du Niger, en particulier dans les régions de Zinder et Maradi et à Niamey que ces femmes et ces jeunes filles seraient contraintes de se prostituer. Des femmes et des jeunes filles nigériennes seraient elles aussi trafiquées à des fins similaires à l'intérieur du pays, vers l'Europe, le Nigeria et le Proche Orient. Les victimes, fréquemment issues de zones rurales appauvries, se laisseraient convaincre par les fausses promesses des trafiquants. Certaines notamment auraient cru être invitées à effectuer un pèlerinage à la Mecque. L'accès limité à l'éducation, un taux d'alphabétisation des femmes extrêmement bas (9.3 % en 2002) rendraient les femmes et les jeunes filles particulièrement vulnérables à ce type d'exploitation.

102. Dans de nombreuses régions du Niger, les systèmes d'esclavage, historiquement répandus au Niger, se seraient transformés en des systèmes de castes. Les femmes et les jeunes filles provenant des castes d'anciens esclaves se trouveraient plus exposées au trafic d'êtres humains, dans la mesure où elles seraient considérées comme issues d'une strate sociale inférieure.

103. L'esclavage et les pratiques s'y apparentant continueraient d'exister aujourd'hui encore au sein de certains groupes. Ces pratiques incluraient des formes de servage basées sur des normes coutumières et liées à une pauvreté extrême. Tel est le cas notamment de la culture sans rémunération des champs d'un propriétaire. Certains riches propriétaires fonciers prêteraient de l'argent aux paysans nécessiteux et demanderaient d'être remboursé sous la forme de travail sous voir non-rémunéré. Il en résulterait de véritables relations « maître-esclave », les personnes ayant emprunté et leurs descendants étant considérés et traités comme la propriété personnelle du propriétaire foncier. Les victimes seraient forcées d'élever le bétail, d'accomplir des travaux agricoles ou domestiques en échange d'un peu de nourriture et d'un endroit où dormir. Les femmes seraient contraintes de se soumettre aux exigences sexuelles du maître. Les victimes ne pourraient prétendre à aucune propriété personnelle: en cas de décès, le maître s'approprierait tous leurs biens. Les victimes désobéissantes souffriraient de privation de nourriture et d'abus physiques pouvant aller jusqu'à la castration.

104. Les descendants des victimes seraient eux-mêmes considérés comme des esclaves. En particulier, il a été rapporté que les maîtres sépareraient souvent les bébés de leurs mères aussitôt sevrés afin de détruire les liens familiaux et les empêcher de connaître leurs ancêtres. Le maître déciderait que l'enfant esclave fréquente ou non une école, et du choix de son époux (se). Certaines jeunes esclaves seraient vendues comme concubines à certains notables du Nigeria.

105. Ces situations d'esclavage pourraient perdurer sans que nul ne soit besoin d'établir de contrainte physique, car l'endoctrinement psychologique, l'intimidation et l'absence d'alternative pour survivre suffiraient à ce que les victimes ne cherchent pas à s'affranchir.

106 Les Rapporteurs spéciaux et la représentante spéciale ont noté avec satisfaction que des lois prohibant et criminalisant l'esclavage et les pratiques assimilées sont entrées en vigueur en avril 2004. Cependant, certains agents publics passeraient délibérément outre certaines pratiques constituant des crimes au regard de la loi, et personne à ce jour n'aurait encore été condamné dans le cadre de la nouvelle législation. Les déclarations publiques de certains hauts fonctionnaires du Gouvernement, niant l'existence de l'esclavage au Niger légitimeraient le refus des agents publics d'intervenir dans les cas d'esclavage ou de pratiques traditionnelles analogues.

107. Enfin, certaines autres pratiques traditionnelles s'apparentant à la traite de personnes existeraient toujours au Niger. En vue d'assurer l'alimentation de leurs enfants, ou en vue de pourvoir à leur éducation, certains parents enverraient leurs jeunes fils âgés de sept à douze ans à des enseignants religieux (les « marabouts »). Certains marabouts forceraient leurs élèves à mendier, fixant un quota journalier pour chacun. Certains élèves n'ayant pas réussi à remplir leur quota auraient recours à la petite délinquance pour éviter de se faire battre. D'autres marabouts obligerait leurs élèves à effectuer de durs travaux manuels. Si certains parents n'ignorent en rien la situation de leurs enfants, nombreux seraient ceux qui confient leurs enfants, ne sachant pas le sort qui leur est réservé.

Pakistan

Communications sent by the Special Rapporteur

108. On 2 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, Special Rapporteur on violence against women, its causes and consequences and Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning Mr. F. A. K., Coordinator for the Coalition on Ending Violence Against Women and Director of the NGO Cholistan Development Council and S., a 16-year old girl, who is a resident of Hafiz Colony Tehsil Yazma, Bahawalpur.

109. According to the information received, on 20 August 2005, Mr. F. A. K. filed a request for security assistance with the District Police Office in Bahawalpur, following threats he has been receiving due to his work with the Coalition on Ending Violence Against Women. It is reported that no action has as yet been taken in this regard. Mr. F. A. K. has been involved in the case of the 16 year old girl S., who was allegedly kidnapped in May 2005 and held against her will for one and a half months by six men, led by the local landlord S.S., who lives in the same location as S. During her time in captivity, S. was allegedly repeatedly gang raped. Before they released her, they tried, unsuccessfully, to force S. to marry another man in order to cover their own acts. Eventually they took S. to a shelter and left her there. S.'s father attempted to lodge a FIR with the police.

110. The police, however, refused to lodge the FIR against the local landlord and suggested S. escaped wilfully. Mr. F. A. K., however, managed to lodge the appeal against

the perpetrators and was able to remove S. from the shelter. This case is currently before the Bahawalpur High Court. The perpetrators are constantly threatening to repeat the same thing to S.'s youngest sister if they speak about what happened to S. in court. The perpetrators are also threatening Mr. F. A. K. for his work in recovering S. from the shelter and for lodging the complaint against them. Mr. F. A. K. reports the continuous harassment of himself and his family members since his involvement in the case. As a result he has been forced to send his children to stay with his relatives, for their safety. Furthermore, local newspapers dated 19th July 2005 highlight attempts by the accused party to discredit Mr. F. A. K. in the community and accuse him of being a 'blackmailer' and an 'agent of the West'.

111. With regard to this case, the Special Rapporteur notes that a forced marriage involves various forms of exploitation including sexual exploitation and forced domestic labour. The abduction of a person from her usual surroundings followed by an attempt to force the captive victim into entering a marriage against her will can therefore constitute an act of trafficking in persons.

112. By allegation letter dated **27 September 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, brought to the attention of the Government, information received concerning allegations that H.S.M.Y., Minister for Industries in Jammu and Kashmir, is complicit to the **trafficking of 58 young Pakistani men to Bageer (Sudan)**, where they were held in a forced labour situation.

113. According to information received, each of the 58 men, who are mainly from the Kashmir region, paid between 60,000 and 100,000 rupees to the employment agency K.O. in Rawalpindi, which is allegedly owned by the said Minister. The employment agency promised to organize resident visas and well-paid work in the Sudanese oil industry for the men. However, the men were only provided with tourist visas. Upon their arrival in Khartoum on 27 March 2005, the men were handed over to an Indian middle man named R. R., who allegedly organized their confinement in a camp of the M. Oil Company in Bageer near Khartoum. With armed guards preventing their escape, the men were forced to do harsh manual labour while receiving little food and only rusty water. Since their arrival they have not received any payment. Six of the men, R.A., M.I., S.H.S., M.J., M.A.K. and J.H., were not given access to medical assistance despite being in a critical medical condition.

114. After a non-governmental organization informed the general public and the Government of Pakistan about the case, the Government reportedly brought the case to the attention of the Government of Sudan. Subsequently, all men were allowed to leave the labour camp. However, as of 20 September 2005, 37 of the men were allegedly still awaiting their safe repatriation to Pakistan.

115. The Rapporteur drew the attention of the Government to the Recommended Principles and Guidelines on Human Rights and Human Trafficking and in particular Principle 13, providing that states shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-state actors. Principle 11 states that safe (and, to the extent possible, voluntary) return should be guaranteed to trafficked persons by both the receiving state and the state of origin.

Responses by the Government

116. On **31 October 2005**, the Government replied to the communication of 2 September 2005. The Government stated that, according to the report of the District Police Officer in Bahawalpur, Mr. Sattar Ahmed lodged a complaint on 24 July 20095 against the accused and investigations were carried out into this complaint. During the course of investigations it transpired that the accused were innocent and that case was then recommended for cancellation. The case was then referred to the Superintendent of Police (Investigation) Bahawalpur, as an added precaution.

117. By letter dated **20 December 2005**, the Government added that, during the course of the investigation the allegations were found baseless. S. testified to a Magistrate in Bahawalpur that she had run away since her parents were forcing her to marry an older man. The Magistrate ordered S. to be sent to Darul Aman, a sanctuary for women in distress and dismissed the case on 13 September 2005.

118. By letter dated **2 December 2005**, the Government replied to the letter sent of 27 September, stating that it took immediate measures for the workers' repatriation to Pakistan and for redressing their plight and grievances once it received information about the situation. As a result of these efforts, all 60 Pakistani workers have been repatriated to Pakistan. The Government was investigating the details of the incident.

Saudi Arabia

Communications sent by the Special Rapporteur

119. By allegation letter dated 6 December 2005, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, brought to the Government's attention information received concerning the situation of large numbers of children trafficked from Yemen to Saudi Arabia.

120. According to information received, child trafficking from Yemen to Saudi Arabia has been increasing over the years, especially since the expulsion of Yemeni adult workers from Saudi Arabia in the 1990s.

121. 3,500 Yemeni children, almost exclusively boys, are reportedly apprehended each month in Saudi Arabia. In November 2005, 10 children, five of them with disabilities, were rescued from a gang of traffickers.

122. While many of the children are taken by organised groups, a large numbers are said to be sent to Saudi Arabia by their own families who sometimes even pay the traffickers to take their children away. It is reported that many poor and unemployed families live off the earnings of their children abroad.

123. Most children earn money in Saudi Arabia through begging or hard and sometimes dangerous labour. Furthermore, they face violence, hunger, sexual exploitation and extortion at the hands both of the traffickers and of border guards and authorities if they are apprehended.

124. An allegation letter concerning the same issue was sent to the Government of Yemen (see below).

Response by the Government

125. By letter dated **28 December 2005**, the Government replied that Saudi Arabia could not be held responsible for the trafficking of children from Yemen by organized gangs operating outside its territory and, in its capacity as a receiving state, suffered greatly from this illegal phenomenon since crimes of this type were planned and committed outside its territory and Saudi Arabia bears many of the adverse social, economic and humanitarian effects of such crimes, as well as the burdens incurred in dealing with them and endeavouring to prevent them.

126. At the same time, the Government took the view that since the responsibility for the trafficking of children is borne jointly by several parties, this phenomenon needed to be addressed through international cooperation and concerted efforts by all the parties concerned, in particular the United Nations and its specialized agencies and programmes, in order to ascertain its causes.

127. The Government asserted that the relevant international norms clearly stipulated that the Kingdom's judicial jurisdiction in regard to child trafficking did not extend to non-Saudi citizens residing outside its territory such as the traffickers of children to Saudi Arabia. However, Saudi law categorically prohibited the exploitation or use of children for purposes of begging or other activities contrary to the internationally recognized rules and Saudi Arabia applied legal and administrative regulations under which such activities were designated as criminal offences.

128. The Government also stated that it was coordinating its endeavours with UNICEF to address the problem of child trafficking. UNICEF had also discussed the problem with the Government of Yemen in order to devise appropriate means to put an end to the problem and stimulate public awareness of its dangers. The International Organization for Migration was also making efforts in this connection.

129. The Government considered it worth noting that it is coordinating with the Yemeni Government and UNICEF to prevent the trafficking of children from Yemen and their exploitation for purposes of begging. Saudi Arabia was also conducting security campaigns in the governorates bordering on Yemen, including a campaign carried out on 5 June 2005 in which the authorities arrested 1,530 persons of unknown identity who had been trafficked into Saudi territory and also rescued 256 children and 47 women. Saudi Arabia was making every possible humanitarian endeavour, within the limits of its capabilities, to care for these child victims in collaboration with the competent authorities in their countries of origin in order to ensure their return to their families. A special centre had been established to provide them with shelter and all the types of care and assistance needed to protect them from exploitation pending their repatriation to their countries of origin.

Serbia and Montenegro

Communications sent by the Special Rapporteur

130. On **2 March 2005**, the Special Rapporteur, jointly with the Special Rapporteur on violence against women, its causes and consequences sent a letter of allegation concerning a Moldovan woman, known as **S. C.**, who is believed to have been trafficked into Montenegro and forcibly made to work as a prostitute in the period from 1999 to November 2002, when she found shelter in a Women's Safe House in the capital Podgorica. According to the information received S.C. suffered horrendous physical and sexual abuse for over three years resulting in severe injuries including seven broken bones, internal injuries so that she could not sit down without pain, scars from handcuffs, cigarette burns on her genitals, and bruises in her mouth. S.C. alleged that Montenegrin politicians, judges, police and civil servants had tortured and raped her and other East European women who like her had been trafficked and held as sex-slaves.

131. A criminal investigation was opened into the case and four people including Deputy State Prosecutor Z. P. were arrested on suspicion of being involved in trafficking women for the purposes of exploitation of prostitution. In 2003, the case against the four suspects was dropped ostensibly for lack of evidence. According to the information received, the Serbia and Montenegro Mission of the Organization of Security and Cooperation in Europe (OSCE) expressed its dissatisfaction on the outcome of the case. A team of experts from OSCE and the Council of Europe visited Montenegro to review the investigations on the case and presented to the authorities a confidential report about the shortcomings of the investigations by the police. In April 2004, the Government of Montenegro set-up a Commission to independently investigate the action of the police and the judicial authorities on the case. In November 2004, the Commission completed its investigation and presented a report. The OSCE expressed its dissatisfaction with the Commission's findings. Also, Amnesty International expressed concerns that the Commission portrayed S. C. as a criminal rather than as a victim of serious human rights violations; made derogatory references to her character; gave rise once again to suspicions of an attempt to cover-up apparent official complicity in the trafficking of women and girls for forced prostitution. According to media reports, the Commission's report states: "A small case was turned into a case that led to serious consequences and did great damage to institutions and personalities on the political scene, the institutions and the state in general."

Response by the Government

132. In a letter dated **24 May 2005**, the Government responded to the letter dated 2 March 2005 informing the Special Rapporteurs that there was no sufficient evidence based in which to prosecute the authorized officers of the Ministry of Interior of Montenegro who undertook official actions in the case of S.C for dereliction of duty. On the basis of criminal charges filed by the Ministry of Interior of Montenegro and at the request of the state prosecutor in Podgorica, an investigation was instituted against four suspects for mediation in prostitution. One of the four was also investigated for trafficking in persons. Due to insufficient evidence the competent prosecutor, R.Z., dismissed the charges.

133. On 26 January 2003, S.C. left the country at the request of the International Organisation for Migration and with permission of the investigating magistrate, after IOM had undertaken to make available S.C.'s address to the judicial authorities at all times. Following the prosecutor's

dismissal of the charges, IOM and the Ministry of Justice were contacted in order to inform S.C. that the prosecutor had dropped the case giving her the right to assume prosecution of the case within eight days.

134. Following the visit of OSCE and Council of Europe experts, an Independent Experts' Report was issued concluding that the proceedings had to be reinstated, taking into account national legislations and recommending to the competent judicial authorities to gather new evidence. Subsequent to the expert reports, the then Deputy State Prosecutor of Montenegro Z.P. as well as Prosecutor R.Z. were dismissed. The Government also undertook efforts to gather new evidence, including – as recommended by the expert reports – a sample of S.C. handwriting. Since S.C. had left Serbia and Montenegro, the Government attempted to locate her and eventually found out that S.C. had moved to Canada. The Government reports that it was unable to establish contact with S.C. through the Canadian Government due to rules requiring that information about persons residing on Canadian territory are not be shared without the prior consent of that person. The Government notes that it is possible to reopen the case should S.C.'s authentic handwriting be obtained or other new evidence come to light.

Sudan

Communications sent by the Special Rapporteur

135. By allegation letter dated **27 September 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, brought to the attention of the Government information received concerning allegations that 58 young men from Pakistan were trafficked to Bageer, near Khartoum, where they were held in a forced labour situation.

136. According to information received, each of the 58 men, who are mainly from the Kashmir region, paid between 60,000 and 100,000 rupees to the employment agency K. O. in Rawalpindi, Pakistan. The employment agency promised to organize resident visas and well-paid work in the Sudanese oil industry for the men. However, the men were only provided with tourist visas. Upon their arrival in Khartoum on 27 March 2005, the men were handed over to an Indian middle man named R. R., who allegedly organized their confinement in a camp of the M. Oil Company in Bageer near Khartoum. With armed guards preventing their escape, the men were forced to do harsh manual labour while receiving little food and only rusty water. During the course of their stay did not receive any payment. Six of the men were not given access to medical assistance despite being in a critical medical condition.

137. Reportedly, diplomatic representatives of Pakistan brought the case to the attention of the Government. All men have since been allowed to leave the labour camp. However, as of 20 September 2005, 37 of the men were allegedly still awaiting their safe repatriation to Pakistan.

138. The Special Rapporteurs drew the attention of the Government to the Recommended Principles and Guidelines on Human Rights and Human Trafficking and in particular Principle 13 providing that states shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-state actors. Principle 11 states that safe (and, to the extent possible, voluntary) return should be guaranteed to trafficked persons by both the receiving state and the state of origin.

United Arab Emirates

Communications sent by the Special Rapporteur

139. By letter dated **1 April 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, brought to the Government's attention information received, concerning **S., a nine-year old Pakistani boy, who was taken to the United Arab Emirates (UAE) six years before to work as a camel jockey**. He was reportedly repatriated by the Embassy of Pakistan on 20 February 2005.

140. Six years before, he left his home in Rahim Yar Khan, southern Punjab, with his father and travelled to the UAE via Karachi airport. He was not told where they were going or why they were going there. He was aware that his three older brothers were in the UAE already, but knew nothing about what they were doing there. He was initially taken for training to Abu-Dhabi for three months, and then moved to a Sheikh's stable to work as a camel jockey. He worked in six or seven different places mostly UAE states, including Abu-Dhabi, Budsasis, Al-Ain, Rasulkhema and Oman. There were reportedly six other Pakistani boys in the last camp he worked.

141. S.'s father or uncle visited him once or twice a year to collect money from the Sheikh, as S. was not paid directly. According to the information received, initially S. was earning 400 dirhams a month which went up to 500 dirhams a month by the time he returned to Pakistan. The Sheikh would hand over a certain amount to S.'s father and keep some back as a form of guarantee. During his father's first visit, S. also met his three brothers who, it transpired, were also working as jockeys for different Sheikhs in different states of the UAE.

142. S.' daily routine involved getting up at 3 or 4 am. After a light breakfast (tea and roti), he would clean the stables, take care of the camels, and later on practice camel riding until lunch at about 12.30 pm. If required, he would perform the same duties in the afternoon, otherwise he could relax. In winter, S. would get up by 5 am and work until 2 pm. All the children were generally given enough food for lunch, except before races when they were reportedly made to diet. He, along with the other children, lived in the stables, where the camels were kept. S. worked seven days a week with no days off or holidays. He was able to visit his brothers in other cities once a month and the Sheikh allowed him to visit other places. He did not go to school or receive an education of any kind.

143. According to the information received, S. reported participating in many races. The Sheikhs were usually polite, but beat S. when they were angry or when the boys lost races. The "care takers", of the jockeys, mostly from Pakistan, Bangladesh and African countries who had more direct control over the boys, reportedly physically tortured and beat them over minor issues. It is reported that two Sudanese child camel jockeys suffered serious injuries recently, and a few children also died during races. This included one child who used to work with S., who died from falling off a camel. S. himself had fallen during camel races and broken his arms in at least two incidents. Also, when he was taking care of the camels, he was twice thrown into the air by the camel and thrown off a camel, causing cuts to his left thigh and right arm. Reportedly, in the two last years of S.'s stay in the UAE, some measures were taken to help

protect the boys from injury when they fell off camels, for example, waghia (helmets). However, this did not prevent the children from getting injured.

144. Reportedly, S. came to the attention of the Pakistani Embassy when his uncle contacted the Embassy for an extension or new passport for S. Suspecting S. could be involved in camel racing, Embassy staff cross-questioned S.'s uncle and took S. into their care, whereupon the boy was repatriated to Pakistan. In Pakistan, he was received by the Overseas Pakistani Foundation (OPF) and then referred to the Edhi Foundation, which has 17 shelter homes for children and women throughout Pakistan. His father visited the Edhi Centre and Overseas Pakistani Foundation (OPF) but was subsequently arrested by the Federal Investigation Agency under the Human Trafficking Ordinance 2002. To date, the boy still resides in the Edhi Foundation's Korangi Centre in Karachi, while the OPF and Edhi Foundation are tracing his family's whereabouts.

145. According to information received, the use of children as camel jockeys in the UAE has been prohibited since 1980 under the UAE Federal Labour Code No. 8 (1980) section. Furthermore Sheikh Hamdan bin Zayed Al Nahyan, the Minister for Foreign Affairs and Chairman of the Emirates Camel Racing Federation promulgated Order No.1/6/266 on 22 July 2002, which prohibits children under 15 or weighing less than 45kg from being employed in camel racing. It also specifies that all camel jockeys must have proof of their age through their passports and be issued with a medical certificate by the Camel Racing Federation. It imposes a fine of 20,000 dirhams for a first offence and a ban from camel racing for one year for a second offence. A prison sentence of three months along with a fine of 20,000 dirhams is imposed for subsequent offences. The ban came into effect on 1 September 2002.

146. On 19 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, wrote to the Government. While noting with encouragement that the Government has introduced a repatriation programme for child camel jockeys, they brought to the attention of the Government information received concerning allegations that only a fraction of all boys who were used as camel jockeys in the United Arab Emirates had been repatriated to their countries of origin.

147. Boys from a number of countries, including Sudan, Bangladesh, Pakistan and Yemen, had been trafficked to the United Arab Emirates, where they were used as jockeys in camel races exposing them to the risk of serious injury or even death. Some children were also abused by the traffickers and their employers, for example through corporal punishment or deprivation of food.

148. The Government had since adopted legislation, criminalizing the use of any children under the age of eighteen years as camel jockeys and providing for penalties of up to three years imprisonment and/or a fine of at least 50,000 dirham. In addition, camel owners were given a deadline to release underage jockeys and the Government had concluded an agreement with UNICEF concerning the repatriation of released children. In this context, the Government acknowledged that there were 3,000 child camel jockeys in the United Arab Emirates.

149. However, according to information received only a few hundred of these 3,000 children had since been repatriated. A number of boys from Sudan had still not returned home. Other Sudanese children were reportedly returned home outside the official repatriation framework and therefore did not have access to the promised rehabilitation and reintegration benefits.

Furthermore, only some of the child camel jockeys from Bangladesh and Pakistan had been repatriated to their home countries.

Response by the Government

150. By letter dated **30 May 2005**, the Government replied to the communication sent on 1 April and informed the Special Rapporteurs that S., a Pakistani national, was born in 1987 and entered the United Arab Emirates with his father pursuant to a guarantee provided by a United Arab Emirates national. The child's name had been added to the father's passport, since the father claimed that the mother was dead. The child's father was employed by the aforementioned national and the child remained with him. However, the father went missing and the national filed a complaint accusing him of abandonment of post. It emerged that the father had left the country, leaving the child in the hands of his former employer. The national presented the child to the Department of Passports and Immigration in order to obtain exit papers to allow him to return to his country; the child had no passport of his own, his name being on the passport of his father, who had left the country. The authorities liaised with the Pakistani Embassy in the State and exit papers were issued for the child, who used them to travel to Pakistan. It is worth mentioning that the Pakistani Embassy did not file a complaint about the incident when the child's exit papers were issued. Hence, the State authorities received no information about any violation of the country's labour or immigration laws. The official records show that the child in question was born in 1987, which means that he is 18, not 9 as the note claims. This incident and others prompted His Excellency Sheikh Sayf Bin Zayid Al Nahyan to issue an order making it compulsory for Pakistani nationals and nationals of six other countries to obtain their own separate travel documents. The order gave the competent authorities the right to verify a child's age if they had any doubts about the information provided in the original travel document.

151. The laws of the State of the United Arab Emirates prohibit trafficking in human persons. Article 346 of the Federal Penal Code No. 3 of 1987 prohibits and criminalizes that practice. Article 347 of the Code provides as follows: "A penalty of not less than one year in prison and/or a fine of up to 10,000 dirhams shall be imposed on anyone who, for the purposes of private gain, forces another to engage in paid or unpaid work under conditions other than those permitted by law." Article 349 of the same Code provides: "A penalty of up to two years in prison shall be imposed on anyone who, directly or indirectly, jeopardizes the safety of a minor under the age of 15 or a person who is unable to protect himself on account of the state of his physical, mental or psychological health." Article 20 of the Labour Code of the United Arab Emirates provides: "It is illegal to employ a minor of either sex below the age of 15." The Code prescribes the penalties for breaching those provisions. The United Arab Emirates has introduced a series of measures, regulations and conditions to limit the categories of person allowed to participate in camel races, providing, inter alia, that camel jockeys must be at least 16 years of age, be medically fit, weigh not less than 45 kilograms and undergo a DNA test in order to verify their identity and parentage. The penalties inflicted for non-compliance with these conditions are high and include: a fine of up to 20,000 dirhams, a term of three months' imprisonment and exclusion from participation in camel racing, which is a vital part of the life of Emirates society. In this connection, the police authorities concerned with the implementation of these conditions and regulations verify compliance therewith when issuing residence and work permits for the United Arab Emirates. The United Arab Emirates has signed an agreement with the United Nations Children's Fund (UNICEF) on the implementation of a

joint project designed to supply the needs of children who used to be employed in camel racing and to help reintegrate them into their local communities in the country of origin.

United Kingdom of Great Britain and Northern Ireland

Communications sent by the Special Rapporteur

152. On **2 December 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women, its causes and consequences, sent a letter of allegation concerning **children trafficked to and abused in the United Kingdom and the alleged failure of the social and immigration services in protecting vulnerable children**

153. According to information received, children, particularly girls, as young as 2 years old, are increasingly trafficked into the country for domestic servitude, prostitution or to facilitate benefit fraud. Between August and November 2004, 1,738 children arrived at Heathrow under suspicious circumstances. An unknown number of children are also said to be trafficked from Africa to be used in ritualistic abuse and sacrifice offerings in the UK. Concerns on this first came to light in London four years ago when the torso of a young boy was found floating in the Thames. Reports also informed that children were smuggled into Britain to have sex with HIV sufferers in the belief that by doing so they would cure the infection of the person they have intercourse with. According to a report issued by the Metropolitan police in June 2005, young boys and girls had been sacrificed as part of religious ceremonies after being branded as witches by some pastors. The investigation alleged that these children were beaten and murdered because they were believed to be possessed by evil spirits. This report is said to have been launched in response to recommendations made after the inquiry into the death of V. C., an eight-year-old girl from the Ivory Coast who died from abuse at the hands of her aunt and her aunt's partner. V. C. was beaten, burnt with cigarettes and forced to sleep in a bin liner inside an empty bath. She reportedly died in hospital in February 2000, after having suffered from hypothermia and malnutrition. The report's findings also emerged three weeks after two women were convicted at the Old Bailey for torturing an eight-year-old Angolan girl they accused of being a witch.

154. The Special Rapporteurs expressed concerns that many cases of trafficked and abused children may not have been detected because of serious shortcomings within social services, the police and immigration officials, and also because professionals working in these sectors lack awareness of the problem and lack the relevant training to deal with such cases. In the case of V. C., two social workers dealing with her case were reportedly fired as the girl had briefly been taken into care but later returned to her family. The children in these situations are also said to be treated as 'absconders' or asylum seekers by police officers, rather than being protected.

155. On 16 June, 40 members of Parliament voted a House of Commons motion calling for a new register to log the identities of children as they enter the country. The motion reportedly described the situation as "alarming". It is in this context that the Special Rapporteurs express particular concern about information that police have not been able to trace two of the 300 African children who appeared to have vanished from their schools from July and September 2001.

United States of America

Communications sent by the Special Rapporteur

156. By letter dated **9 May 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, brought to the attention of the Government information received concerning **Ms. V., a domestic worker from India.**

157. According to the information received, Ms. V. was trafficked and abused by her employer, a Kuwaiti Mission representative to the United Nations in New York. For four years, Ms. V. was forced to work for her employer as a nanny and housekeeper. Her passport was confiscated. She worked seven days a week, up to 18-hours a day. She was subjected to physical and sexual abuse, threatened with physical force and verbally assaulted. On one occasion her employer bit her in the face and on another the employer threw a suitcase at her. She was kept in near isolation. Her employers required her to keep her eyes on the ground when she was taken out of the house so as to avoid making eye contact or speaking with anyone. Her employers also limited her contact with her family and locked her in a room when visitors came to the apartment. They threatened her that the police would arrest her if she left the home alone. Though some money was sent to her family intermittently as compensation for Ms. V.'s work, the amount of payment her family received was about one tenth of the amount the employers had agreed to pay her and was drastically below the minimum wage under U.S. law. It is also alleged that Ms. V.'s employers prevented her from practicing her religion. Though Ms. V. feared retaliation from her employers, after four years of abuse she finally escaped from their home.

158. Ms. V. found legal representation and filed suit against her employers seeking restitution for the abuses she suffered. She sought the wages to which she was entitled under U. S. law. In March 2004, she testified before a federal U.S. court about the abuse and exploitation she experienced. She waited almost three years while her case moved through the legal process; but her case was ultimately recommended for dismissal because her employers were diplomats immune to civil suit. As a result, Ms. V. is foreclosed from seeking judicial remedy and she is now trying alternate avenues of redress.

Response by the Government

159. By letter dated **27 July 2005**, the Government transmitted the following information relative to the case of Ms. V. and regarding measures taken by the United States of America regarding fair and humane treatment of domestic employees for the foreign diplomatic community in the United States.

160. The United States became aware of this matter in the fall of 2004 when a court inquired about the status of the defendant in a civil suit filed by Ms. V. in the spring of 2002. At the time the defendant, a diplomat at the Kuwait Mission to the United Nations and his wife had already left the country. In response to the court's inquiry, the United States confirmed that the diplomat and his wife were entitled to immunity from the civil jurisdiction of the court in accordance with the provisions of the United Nations Headquarters Agreement and the Convention on Privileges and Immunities of the United Nations for the period of their diplomatic tour, September 1995 to July 2004. The lawsuit was dismissed without prejudice, which means that it may be re-filed by

the plaintiff. The departed diplomat and his wife no longer enjoy immunity in the United States, but have residual immunity for official acts.

161. The United States has taken several steps with regard to the United Nations diplomatic community and diplomats posted at embassies and consulates in the United States. In an effort to ensure that the domestic workers are treated fairly and lawfully. Under existing U.S. Government guidelines circulated to all foreign missions in the United States and internal department instructions, the diplomat employer and the prospective domestic worker must sign a contract, in English and a language understood by the worker, before a visa can be issued to the domestic worker to enter the United States. The contract includes, among other things, a description of duties, hours of work, the required wage to be paid for every hour worked, and other terms of employment. The domestic worker is provided with a "Message from the Government of the United States of America", which advises the workers of their rights, including a hotline telephone number to call if they believe that their rights are not being observed. The United States Mission sends a circular diplomatic note on a regular basis to all United Nations missions reminding them of their obligations and responsibilities as employers of domestic workers. The Department of State sends a similar circular note to bilateral diplomatic missions in Washington.

162. In appropriate cases, the United States Government uses its good offices to try to arrange a settlement or resolution of a dispute. Cases of alleged unfair or unlawful treatment that come to the Government's attention are also referred for federal law enforcement investigation. The Government attached copies of the guidelines, the "Message from the Government of the United States" and the circular note to bilateral missions.

Yemen

Communications sent by the Special Rapporteur

163. On **6 December 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, through an allegation letter, brought to the Government's attention information received concerning the situation of **large numbers of children trafficked from Yemen to Saudi Arabia**.

164. According to information received, child trafficking in Yemen has been increasing over the years, especially since the expulsion of Yemeni adult workers from Saudi Arabia in the 1990s.

165. 3,500 Yemeni children, almost exclusively boys, are reportedly apprehended each month in Saudi Arabia. In November 2005 alone, 20 children, five of them with disabilities, were rescued from a gang of traffickers.

166. While many of the children are taken by organised groups, a large numbers are said to be sent to Saudi Arabia by their own families who sometimes even pay the traffickers to take their children away. It is reported that many poor and unemployed families depend on the earnings of their children abroad.

167. Most children earn money in Saudi Arabia through begging or hard and sometimes dangerous labour. Furthermore, they face violence, hunger, sexual exploitation and extortion at the hands both of the traffickers and of border guards and authorities if they are apprehended.

168. The Special Rapporteurs welcome the creation of a reception centre at the Harad border to temporarily accommodate rescued children, who had previously been detained together with adults and thereby exposed to various forms of abuse. Since a number of the children are only five or six years old and therefore unable to inform the authorities, where they are from, they reportedly remain at the centre for long periods of time.

169. Although the legislation against various forms of exploitation has reportedly been improved, there is currently no law against trafficking in Yemen. In addition, it is reported that there is no programme to prevent trafficking of children by informing the parents about the dangers their children face in the hands of traffickers and providing assistance to families living in extreme poverty. Therefore, many children who were repatriated are being re-trafficked to Saudi Arabia.

170. The same allegation letter was sent to the Government of Saudi Arabia (see above).

Occupied Palestinian Territory

Communications sent by the Special Rapporteur

171. By allegation letter dated **3 June 2005**, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, brought to the Palestinian Authority's attention information received concerning the recruitment and use of children for armed conflict by Palestinian armed groups.

172. According to the information received, A.N., a 15-year-old Palestinian boy from Askar refugee camp was arrested by the Israeli army on May 22, 2005 at the Huwara military checkpoint, at the entrance to the town of Nablus in the West Bank. At the time of arrest, the child reportedly carried two pipe bombs concealed on his body seemingly with the intent to detonate them at the checkpoint. One report indicates that another 15-year-old Palestinian child carrying explosives was arrested only two days later, on May 24, 2005, at the same military checkpoint.

173. On February 3, 2005, a 17-year old Palestinian boy was reportedly arrested at the Huwara military checkpoint while carrying explosives and bullets.

174. On April 27, 2005, two 15-year-old Palestinian boys who had explosives and bullets on them were reportedly arrested at a military checkpoint at the entrance of the West Bank town of Jenin.

175. While in the above-mentioned cases the Special Rapporteurs received no information on who recruited the children involved, reports indicate that several Palestinian armed groups, including the al-Aqsa Martyrs' Brigades, Hamas, Islamic Jihad, and the Palestinian Front for the Liberation of Palestine, have recruited children in the past to transport explosives and munitions. In some cases, reports indicate, these groups have even sent children to carry out suicide attacks.

According to the information received, the Palestinian Front for the Liberation of Palestine claimed responsibility for a suicide attack that was carried out in a Tel Aviv market by a 16-year-old Palestinian from the West Bank town of Nablus on November 1, 2004 and resulted in the deaths of three Israeli civilians.

176. The Rapporteurs appealed to the Palestinian Authority to take all necessary measures to prevent that children are recruited and used for activities directly linked to armed operations. In this regard they drew the attention of the Palestinian Authority to the Trafficking Protocol according to which the recruitment of any person under eighteen years age for the purpose of exploitation constitutes an act of trafficking even if the recruitment does not involve the means of the threat or the use of force or other forms of coercion, of abduction, of fraud, or deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payment of benefits or benefits to achieve the consent of a person having control over another person (Article 3 (a), (c) and (d)).

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