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RIGHTS OF THE CHILD

**Report of the Special Rapporteur on the sale of children, child prostitution and child
pornography, Juan Miguel Petit**

Addendum

Communications to and from Governments^{*}

^{*} The present document is being circulated as received, in the languages of submission only, as it exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

Contents

| | Paragraphs | Pages |
|---|------------|-------|
| Introduction..... | 1 – 6 | 3 |
| Bahrain..... | 7 – 12 | 3 |
| Bangladesh..... | 13 – 16 | 5 |
| Canada..... | 17 – 25 | 5 |
| Chad..... | 26 – 28 | 7 |
| Chile..... | 29 – 30 | 8 |
| Democratic Republic of the Congo..... | 31 – 38 | 9 |
| Dominican Republic..... | 39 – 44 | 10 |
| Greece..... | 45 – 49 | 11 |
| Guatemala..... | 50 – 52 | 12 |
| India..... | 53 – 59 | 13 |
| Indonesia..... | 60 – 62 | 15 |
| Iraq..... | 63 – 64 | 15 |
| Iran (Islamic Republic of)..... | 65 – 68 | 17 |
| Israel..... | 69 – 72 | 18 |
| Kuwait..... | 73 – 75 | 19 |
| Malawi..... | 76 – 80 | 19 |
| Mexico..... | 81 – 87 | 20 |
| Myanmar..... | 88 – 103 | 22 |
| Nepal..... | 104 – 107 | 27 |
| Niger..... | 108 – 118 | 28 |
| Pakistan..... | 119 – 121 | 30 |
| Saudi Arabia..... | 122 – 127 | 31 |
| Sri Lanka..... | 128 – 131 | 31 |
| Sudan..... | 132 – 135 | 32 |
| Syrian Arab Republic..... | 136 – 137 | 34 |
| United Arab Emirates..... | 138 – 151 | 34 |
| United Kingdom of Great Britain and Northern Ireland..... | 152 – 154 | 38 |
| United States of America..... | 155 – 156 | 39 |
| Yemen..... | 157 – 164 | 49 |
| Palestinian Occupied Territory..... | 165 – 170 | 41 |

Introduction

1. This addendum to the report of the Special Rapporteur contains, on a country-by-country basis, summaries of general and individual allegations as well as urgent appeals transmitted to Governments between 1 January and 31 December 2005, as well as replies received during the same period. Observations made by the Special Rapporteur have also been included where applicable. Government replies received after 31 December 2005 will be included in the relevant addendum to Special Rapporteur's next report.
2. The Special Rapporteur recalls that in transmitting allegations and urgent appeals, he does not make any judgement concerning the merits of the cases, nor does he support the opinion of the persons on behalf of whom he intervenes.
3. During the period under review, the Special Rapporteur transmitted 34 communications to the Governments of 25 countries: Bahrain, Chad, Chile, Democratic Republic of the Congo, Dominican Republic, Greece, India, Indonesia, Iraq, Iran (Islamic Republic of), Israel, Malawi, Mexico, Myanmar, Nepal, Niger, Pakistan, Saudi Arabia, Sri Lanka, Sudan, Syrian Arab Republic, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen, and Occupied Palestinian Territory. Only four responses to these communications were received as well as six replies to communications transmitted by the Special Rapporteur over the past years¹. The Special Rapporteur regrets that so many Governments failed to respond.
4. Owing to restrictions to the length of documents, the Special Rapporteur reduced considerably details of communications sent and received.
5. This report contains individual cases and general situations related to the mandate of the Special Rapporteur. This includes allegations related to the sale of children, sexual violence and abuse of children, trafficking of children, child bonded labour and child sexual exploitation.
6. The names of the child victims whose cases are presented in this report have been replaced by initials, in order to respect their privacy and to prevent further victimization. The full names of all victims have been provided to the Government concerned.

Bahrain

Letter of allegation

7. On 19 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, the Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on trafficking in persons, especially women and children, sent a letter of allegation concerning the alleged mistreatment of migrant women and girls working as domestic workers in Bahrain.

¹ General statistical information on communications sent by special procedures in 2005 is available on OHCHR website : www.ohchr.org

8. Migrant domestic workers, who typically live with their employers, are said to be 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 domestic workers' passports, a practice that is reportedly officially tolerated. In addition, public authorities often privilege employers in disputes involving migrant workers. In extreme cases, domestic migrant workers may also be subjected to physical or sexual abuse.

9. In this context, the Special Rapporteurs were informed that Ms. **A.B.J.**, from Indonesia was recruited through a Jakarta-based private employment agency by a Bahraini married couple when she was 16. The couple agreed to sponsor her visa and employ her as a domestic worker. Although she was born in 1989, the head of her Indonesian home village helped arrange a passport that falsely stated her date of birth as 1 August 1978. After ABJ arrived in Bahrain on 24 June 2004, her employers took her passport away. On the evening of 26 June 2004, her employer touched her 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 ABJ to watch a pornographic film, tore off her clothes and touched her intimately once again even though she screamed in protest. The next morning, ABJ informed the wife about the incident but she did not react. Approximately one month later, the wife told ABJ that she could earn additional money if she agreed to have sexual relations with men. That same day, she was forced to leave the house with an unknown man who took her to the premises of a factory where he and then another man raped her. The man told ABJ that he had paid the wife to have sexual relations with her. Even though she was bleeding and suffered strong pain after the rapes, her employers did not allow her to seek medical assistance. Instead, the wife gave her pain killers. In the weeks thereafter, ABJ was forced to have sexual relations with a number of men, including her employer. To diminish her resistance, ABJ was given stimulant drugs, presumably Methylenedioxymethamphetamine (also known as Ecstasy).

10. During the entire period she was confined to the house and was not able to communicate by mail or telephone. Only on the occasion of a relative's visit did she manage to contact her employment agency in Jakarta with the relative's mobile phone. The employment agency then organized her rescue. 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 ABJ had had repeated sexual intercourse, but no blood test was taken to determine the nature of the drugs that she had been given. The husband/employer was indicted for rape and the wife for facilitating prostitution. At the time the communication was sent, the court hearing was scheduled to take place in September 2005. ABJ's former employers still retained possession of her passport and had, at the time this communication was sent, neither paid her the wages agreed upon nor compensated her for the sexual violence suffered.

Observations

11. The Special Rapporteur would appreciate receiving from the Government information concerning the court proceedings against the employers, and in the event that they are found

guilty for the acts concerned, to provide him with information on the punishment provided and of any compensation awarded to ABJ.

12. The Special Rapporteur would also like to remind the Government of its obligations to take measures in order to prevent economic exploitation of children (art. 32 of the Convention on the Rights of the Child), and to protect children from all forms of sexual exploitation (art. 34).

Bangladesh

Response to previously transmitted communications

13. By letter dated 18 April 2004, the Government responded to the urgent appeal sent by the Special Rapporteur on 24 September 2004 (E/CN.4/2005/78/Add.3, paras. 10 to 12). The Government indicated that specific provisions had been incorporated under the Women and Children Repression Prevention Act 2000 for prohibiting the use of children as camel jockeys. Use of child camel jockeys is deemed to be an offense under the Act, and subject to prosecution.

14. The law enforcement agencies are always vigilant to prevent any possible case of smuggling of children to be employed as jockeys. Should child jockeys be rescued or recovered, the children are handed over to their parents immediately, where it is possible to identify and locate the real parents or guardians; or, in the event that the parents/guardians cannot be located immediately, they are sent to the government safe homes or in the safe homes maintained by non-governmental organizations. During their stay in the safe home/rehabilitation centres, these children are given education, and where appropriate, vocational training.

15. The Bangladesh embassies, particularly in the Gulf region and where the practice is prevalent, keep a lookout for information on child camel jockeys. The assistance of local authorities is sought wherever possible. This has proved quite effective, in some cases, in preventing such abuse. Recently the authorities of Bangladesh apprehended a child trafficker on arrival at Dhaka airport, thanks to information received from the Bangladesh Mission in Dubai. The trafficker was arrested, and the rescued children have since been sent back to their parents.

Observations

16. The Special Rapporteur would like to thank the Government of Bangladesh for its reply.

Canada

Response to previously transmitted communications

17. By letter dated 24 March 2005, the Government responded to a letter sent jointly with the Special Rapporteur on the violence against women, its causes and consequences on 13 August 2002 (E/CN.4/2003/79, para. 99), concerning alleged fraudulent adoption practices and violence against unmarried women, specifically in relation to the SBW CHSC and the CCAS of Toronto. The Government informed the Special Rapporteur that in response to the allegations, the Toronto Regional Office requested the CCAS to complete an investigation and report back to Ministry of Children and Youth Services (MCYS), Toronto, Regional Office.).

18. Regarding the allegations according to which **Ms. CH.** suffered both physical and psychological abuse by staff in the SBW's CHSC during the birth of her child in June 1978, including: being reportedly thrown against the wall of the preparation room by a nurse, being allegedly called a whore by one of the nurses and having her pubic hair shaved and her genitals repeatedly cut by a nurse, the Government stated that Ms. CH.'s pubic hair was shaved on the physician's order prior to labour, this being the standard procedure at the time. However, the razors used were safety razors incapable of producing the cuts described. Furthermore, following interviews with Ms. CH.'s delivery doctor there was no evidence that he had tried to cover up the above-mentioned alleged incidents. The response of the Government of Canada is reflected in the report of the Special Rapporteur on violence against women, its causes and consequences (see E/CN.4/2006/61)

19. With reference to the allegation that Ms. CH. was reportedly given an injection to dry up her milk without her consent, the Government confirmed that she was in fact given medication to suppress lactation as she was not planning to breast feed and that this was consistent with the standard of care in 1978, in order to prevent discomfort for the mother.

20. Moreover, the Government stated that the allegations according to which Ms. CH was reportedly told by one of the nurses that money had been paid by the adoption agency to ensure that the baby was taken away from her as she did not deserve to have him were unfounded. The child was admitted to the care of the CCAS with the complainant's consent. An Agreement to Short-Term Non-Ward Care form was signed by the complainant.

21. Moreover, with regard to the allegations that Ms. CH. had requested foster care and that she was reportedly told that the temporary non-ward arrangement could last for six months with the ability to negotiate if one were needed, and that she later found out that the Agreement to short-term non-ward care was terminated and her son adopted without her consent, the Government stated that the Agreement dated 14 June 1978 referred to a care period of not more than six weeks. The Government informed the Special Rapporteur that in a correspondence dated 10 July 1978, the agency notified the complainant by letter that the voluntary agreement would be terminated. This letter, which was sent 16 days prior to the expiry of the agreement also indicated that the agency would be going to court on 25 July 1978 to request that the complainant's child be made a ward of the Crown due to developments of the case. The Government informed the Special Rapporteur that the specificity of the developments were not stated, but that upon review, it became apparent that Crown wardship was sought since the complainant had not come forward with a plan for the child. The Agreement to Short-Term Non-Ward care was terminated on 25 July 1978, when a Judge of the Provincial Court (Family Division) of the Judicial District of York made an Order Respecting Wards of the Crown. The defendant's child was duly made a ward of the Crown and committed to the care of the CCAS. The order notes the consent of the mother. The adoption of the child was based on the consent of the Crown. The complainant had surrendered her authority when she consented to the order which made the child a ward of the Crown. The Government explained that in Ontario, children may become eligible for adoption either by an adoption consent signed by the birth mother, or through an order of Crown wardship issued by the Court (as in the present case). Given that in Ms. CH.'s case the birth mother participated wholly and voluntarily in the Crown wardship process, her consent to the adoption was not required.

22. Furthermore, concerning the allegations that in 2001, when Ms. CH. received a copy of the agreement, the words “6 months” had reportedly been altered to “6 weeks” without her consent or prior knowledge, the Government stated that in the “Agreement to Short -Term Non-Ward Care” dated 14 June 1978 the word “months” was replaced with “weeks”. However the narrative after that change indicates that the intent of the parties was for a six-week period of care. The investigation did not reveal any evidence that the time period was altered post-signature or that the intent of the parties was other than for a six-week period of care.

23. In relation to the allegation that Ms. CH. informed her CCAS social worker that she intended to take her son to England, away from her abusive ex-boyfriend, and that under the alleged instructions of this CCAS social worker she had traveled to the United Kingdom by herself on 9 March 1979 on a return ticket to make suitable arrangements to have her son returned to her there, only to be informed by the social worker on 16 March 1979 that her son had been adopted and the proceedings had been finalized on 13 March 1979, the Government stated that this allegation focuses on a time period after the child was already made a Crown ward (i.e. after 25 July 1978). The Government also stated that the investigation did not reveal any evidence that any advice or direction was given to the complainant regarding how the child could be returned to her, and that in any event such an exchange would not make sense given that the child had at that point already been made a Crown ward pursuant to the consent of the mother. The child had already been placed with its prospective adoptive parents on 24 August 1978.

24. In conclusion, the Government confirmed that on the basis of the findings of investigations carried out in the case, no evidence supported the allegations made by Ms. CH. The findings from the investigations confirm that staff at the SBW’s CHSC met the standards of care for 1978 in caring for Ms. CH. while she was pregnant, during the delivery of her baby and during post-natal treatment. Moreover, investigations concluded that the CCAS had appropriately conformed to the adoption rules at the time in placing Ms. CH.’s child for adoption.

Observations

25. The Special Rapporteur would like to thank the Government of Canada for its reply to his communication of 13 August 2002.

Chad

Appel urgent

26. Le 29 septembre 2005, le Rapporteur spécial, conjointement avec la Rapporteuse spéciale sur la violence contre les femmes, ses causes et conséquences, a envoyé un appel urgent concernant les conditions de vie et les traitements subis par les **enfants vivant au sein de certaines écoles coraniques** sous la responsabilité de marabouts. D’après les informations reçues par les Rapporteurs spéciaux, et notamment un documentaire tourné au sein de ces établissements, qu’ils ont pu visionner, des enfants seraient confiés par leurs parents à des marabouts chargés de leur dispenser un enseignement coranique. Il ressort du documentaire que les enfants vivant au sein de ces écoles sont en fait contraints de mendier toute la journée pour le compte de leurs marabouts et ne reçoivent qu’un enseignement coranique très limité. Dans trois

écoles coraniques situées dans le quartier Ridina 2 à N'Djamena, à Toukra et à Sahr, des enfants apparaissent enchaînés jours et nuits et présentent des marques de coups. Des adultes sont également enchaînés dans ces établissements et gisent à même le sol toute la journée. Des châtiments corporels seraient régulièrement infligés aux enfants par les marabouts et les gardiens des lieux. Des dizaines d'écoles de ce type, dirigées par des marabouts influents existeraient dans le pays et seraient en pleine expansion grâce à des financements étrangers. Des quartiers pour femmes seraient en voie d'être aménagés afin que soient enfermées celles dont le comportement est jugé «contraire à l'Islam» par leur mari ou leur famille.

Observations

27. Le Rapporteur spécial regrette de ne pas avoir reçu de réponse à sa communication du 29 septembre 2005. Vu la gravité des allégations concernées, mais sans préjuger des faits examinés, le Rapporteur spécial tient à rappeler au Gouvernement son obligation de prendre toutes les mesures appropriées pour protéger l'enfant contre toute forme de violence, d'atteinte ou de brutalités physiques ou mentales, d'abandon ou de négligence, de mauvais traitements ou d'exploitation, y compris la violence sexuelle, pendant qu'il est sous la garde de ses parents ou de l'un d'eux, de son ou ses représentants légaux ou de toute autre personne à qui il est confié (article 19 de la Convention relative aux droits de l'enfant).

28. Le Rapporteur spécial souhaiterait recevoir des informations sur les investigations menées s'agissant des faits sus-mentionnés, et dans l'hypothèse où ces allégations s'avèrent exactes, le Rapporteur spécial souhaiterait savoir quelles poursuites ont été engagées contre les responsables, et quelles mesures ont été prises pour protéger les enfants.

Chile

Seguimiento de comunicaciones transmitidas previamente

29. Por carta con fecha 10 de febrero de 2005, el Gobierno de Chile transmitió la siguiente información en respuesta a la comunicación del 20 de agosto de 2004 (E/CN.4/2005/78/Add.3, parr. 23 a 28) relativa a la renuncia del director del diario *La Nación*, el Sr. **A.L.D.** La empresa periodística de La Nación, es una sociedad anónima cerrada en la cual el Gobierno de Chile tiene participación a través de acciones, pero de la cual no es dueño. La empresa está constituida por un directorio y un Presidente, el cual tiene la facultad de nombrar al Director y solicitar su renuncia al cargo. En este contexto, la renuncia del Sr. **A.L.D.**, fue solicitada por el Presidente de la empresa, previa consulta con su Directorio. Esta renuncia, según lo informado, fue solicitada sólo y exclusivamente por razones de mejor funcionamiento de la empresa.

Observaciones

30. El Relator Especial quisiera agradecer al Gobierno de Chile por la información proporcionada. Sin embargo, reitera su interés en recibir informaciones sobre las investigaciones realizadas en relación con las alegaciones de la existencia de una red de pornografía y abuso sexual a menores de edad.

Democratic Republic of the Congo

Lettre d'allégations

31. Le 29 juillet 2005, le Rapporteur spécial, 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, la Rapporteuse spéciale sur la violence contre les femmes, ses causes et ses conséquences, 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 traite des personnes, en particulier les femmes et les enfants 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.

32. Selon les informations reçues, des femmes et des filles, et parfois des hommes et des garçons, les plus jeunes âgés de trois 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.

33. 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.

34. 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 de s 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.

35. Les conditions de détention et les prisons ne se seraient pas conformes aux normes internationales, et les prisonnières et détenues du sexe féminin seraient sujettes à des violences, y compris sexuelles, pendant leur détention. Des membres de la société civile, notamment des femmes défenseuses des droits humains, qui luttent contre la violence sexuelle et contre d'autres formes de violence contre les femmes et les filles dans le pays, auraient été visées et seraient sujettes à toutes formes de harcèlement, y compris à des menaces et à des attaques, ainsi qu'à des actes de violence sexuelle et à d'autres formes de violences.

36. 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.

Observations

37. Le Rapporteur spécial regrette de ne pas avoir reçu de réponse à sa communication du 29 juillet 2005, et exprime sa profonde préoccupation face à l'impunité dont continuent de jouir les auteurs de crimes sexuels.

38. Le Rapporteur spécial tient en outre à rappeler au Gouvernement ses obligations découlant des normes et standards internationaux relatifs aux droits de l'homme et notamment de la Déclaration sur l'élimination de la violence à l'égard des femmes qui prévoit en son article 4 c) que les Etats devraient agir avec la diligence voulue pour prévenir les actes de violence à l'égard des femmes, enquêter sur ces actes et les punir conformément à la législation nationale, qu'ils soient perpétrés par l'Etat ou par des personnes privées.

Dominican Republic

Carta de alegaciones

39. El 13 diciembre 2005, el Relator especial transmitió una comunicación conjunta con la Relatora Especial sobre la violencia contra la mujer, sus causas y consecuencias, en la que comunicó al Gobierno que había recibido información sobre la situación de los menores explotados en la República Dominicana.

40. Según las informaciones recibidas, 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 incluyen tanto menores dominicanos como menores de Haití.

41. 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.

42. 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.

43. 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.

Observaciones

44. El Relator Especial reitera su interés en recibir informaciones del Gobierno sobre el caso arriba citado.

Greece

Letter of allegation

45. By letter dated 20 April 2005, the Special Rapporteur, jointly with the Special Rapporteur on trafficking in persons, especially women and children, thanked the Government for its response dated 18 March 2005 to the urgent appeal they had sent on 1 December 2004 (E/CN.4/2005/78/Add.3, paras 86-91) regarding the alleged disappearance of a large number of children from the Greek residential care institution Agía Varvara.

46. In its response, the Government provided the following information: "In relation to the charges of the Greek Helsinki Watch in connection with the "disappeared children" from May 2004, 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 is concluded and has 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 are 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 also arrests and brings before court minors who lead 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 are 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.

48. 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.

Observations

49. During his visit to Greece in November 2005, the Special Rapporteur reiterated his concerns at the disappearance of the children and recommended the Government to consider the possibility of creating a mix commission composed of relevant Greek and Albanian authorities, the Ombudsmen of both countries and NGOs which have worked on the case so as to coordinate the efforts to locate the children whose whereabouts remain unknown and identify institutional responsibilities.

Guatemala

Seguimiento de comunicaciones transmitidas previamente

50. Por carta con fecha de 14 de febrero de 2005, el Gobierno respondió al llamamiento urgente del 15 de julio del 2004 transmitido juntamente con la Representante Especial del Secretario General para los defensores de los derechos humanos y la Relatora Especial sobre la violencia contra la mujer, sus causas y consecuencias (E/CN.4/2005/78/Add.3, párr. 108-109). El Gobierno informó de que las primeras diligencias del Ministerio Público y del Servicio Médico Forense en el caso de los hijos de M. P. A. y J. E. J. determinaron que existió caso de violación sexual en contra de la hija el día 6 de julio del 2004. El Gobierno informó que la Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos se encuentra a la espera de los resultados de las investigaciones practicadas con el objeto de ampliar la información solicitada. El Ministerio Público todavía no había individualizado a los responsables del hecho delictivo.

51. Por carta con fecha de 11 de noviembre de 2005, el Gobierno de Guatemala transmitió información adicional sobre el mismo caso. Según se informa, el 2 de febrero de 2005, la Fiscalía de Coatepeque presentó acusación y apertura a juicio ante el órgano contralor de la investigación. El 17 de febrero, el juez de la investigación rechazó la acusación de la Fiscalía y clausura provisionalmente el proceso. El 21 de febrero del 2005, la Fiscalía recurrió la resolución ante indicada, presentando un recurso de apelación ante el órgano correspondiente. El 3 de marzo del 2005, la sala Regional Mixta de la Corte de Apelaciones del Departamento de Retalhuleu confirmó el auto de apelación. El Gobierno indicó también que la clausura provisional consiste en que el juez con fundamento en el artículo 331 del Código Procesal Penal consideró que no existieron medios de investigación suficientes para acusar, por lo que el Ministerio Público debe solicitar ante el Juez de Primera Instancia Penal, la apertura a juicio y

formular la acusación en contra de los presuntos responsables, sin embargo, tal solicitud debe contener los datos que identifiquen o individualicen a los acusados y la solicitud debe ser clara, precisa y circunstanciada y expresar los medios de investigación utilizados y los elementos de convicción.

Observaciones

52. El Relator Especial quisiera agradecer al Gobierno de Guatemala por la información proporcionada, y queda en espera de información por parte del Ministerio Público sobre cualquiera información relativa a la reapertura del caso.

India

Letter of allegation

53. On 10 March 2005, the Special Rapporteur, jointly with the Special Rapporteur on violence against women, its causes and consequences, sent a letter of allegation concerning the case of violence and abuse of **M., an 8-year-old girl**, daughter of K.S., who was working as a domestic worker in East Midnapur District, West Bengal. K.S. was working at the house of a sub-inspector of the police. On 23 February 2005, M. was accused of stealing biscuits and was severely beaten and abused by the sub-inspector and received serious injuries on her face, head and ear. The sub-inspector denied these allegation and instead claimed that his wife had slapped M. for stealing some biscuits from his in-laws' house when he was not even present. M. was hospitalized in the Primary Health Centre, Darigeria, West Midnapur District, the next day, where she fell into unconsciousness and remained in a critical state even a day later. Her injuries were said to have been the result of a brutal beating with a "lathi"(club). The hospital authorities brought this to the notice of the police station of the West Midnapur District. No action was, at the time this communication was sent, however taken.

Letter of allegation

54. On 14 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on trafficking in persons, especially women and children, sent a letter of allegation concerning **a girl child and her mother P.K., a 19-year-old woman**, who were sold at a public auction in Chirgaon village, Latehar District, Jharkhand. According to information received, P.K. had been sexually abused by four men of her village. As a result of this, she gave birth to a girl. She then demanded the four villagers to take responsibility for the baby. The village heads first decided that the men should pay some money to P.K., but as she refused, they decided to auction P.K. and her child off. On 20 August 2005, P.K. and her daughter were sold for six rupees to S., of Balumath village, and the event was celebrated by the villagers. Despite a raid conducted by the police, the men involved in this incident had not been arrested at the time this communication was sent.

Letter of allegation

55. On 7 November 2005, the Special Rapporteur, jointly with the 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 the sexual exploitation of underage girls in Varanasi, in the State of Uttar Pradesh. According to the information received, about 50 girls, all of them reportedly 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 redlight district. The brothel was reportedly operated by a man and his wife. On 24 October 2005, Mr. A.S., the founder and president of Guria Swyam Sevi Sansthan (a non-governmental organization that helps prostitutes and their children to become aware of their human rights and offers them an alternative lifestyle), informed police officers at the Maduadih Police Station about this situation. Mr. A.S. 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, Mr. A.S. had the girls moved to a different location, with the help of his wife and approximately 200-300 other private volunteers. When the police finally arrived at the scene at 6 p.m., 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 present. The 31 girls were then handed over to the police, and taken to the police station, where they received medical attention and were taken to a local women's shelter. The authorities acknowledged that 17 girls were younger than 18 years old. Mr. A.S. filed a First Information Report (FIR) alleging violations of the Immoral Traffic Prevention Act (ITPA). Two minor accomplices were arrested; two others managed to escape. It is further reported that a counter FIR was filed against Mr. A.S. for trespassing, robbery, outraging the modesty of women, rioting and unlawful assembly.

Observations

56. The Special Rapporteur expresses his concern that he had not received a reply to any of his communications. The Special Rapporteur urges the Government to respect its international human rights obligations in this matter, and to thoroughly investigate and punish those responsible for acts of violence against women and girls and to take all necessary measures to prevent the recurrence of similar acts.

57. The Special Rapporteur would like to draw attention to the concerns expressed by the Committee on the Rights of the Child at the high prevalence of violence and abuse, including sexual abuse of children, and at the lack of effective measures to combat this problem (CRC/C/15/Add.228). The Committee also expressed its concern at the increasing number of child victims of sexual exploitation, including prostitution and pornography.

58. Noting that the Government ratified the Optional Protocol on the sale of children, child prostitution and child pornography in August 2005, the Special Rapporteur wished to recall that the Optional Protocol provides that the States parties shall prohibit the sale of children and child prostitution and take measures to ensure the legal liability of persons involved in these offences.

59. The Special Rapporteur also takes this opportunity to reiterate his wish to undertake a visit to India within the framework of his mandate, as expressed in his letter dated 8 October 2004.

Indonesia

Letter of allegation

60. On 12 July 2005, the Special Rapporteur, jointly with the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on trafficking in persons, especially women and children, sent a letter of allegation concerning the inadequate protection of child domestic workers, especially girls, against economic exploitation and psychological, physical and sexual abuse in Indonesia.

61. Over 680,000 domestic workers in Indonesia are reported to be children under the age of 18, of whom over 90 per cent are girls. Many girls from poor families become domestic workers upon completing primary school, around the age of 12, because their families can no longer afford to pay for their tuition and school books, need the girls' contribution to the family income and often also consider the education of girls to be less important. These 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.

Observations

62. The Special Rapporteur regrets that no reply to his communication of 12 July 2005 was received. Without implying any pre-judgements on this case, the Special Rapporteur would like to reiterate his concerns on the basis of information he received on this matter.

Iraq

Letter of allegation

63. On 30 September 2005, the Special Rapporteur, jointly with 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 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 violence against women and girls, women human rights defenders and political leaders. According to information received, female political leaders and women campaigning to protect women's rights had been threatened and killed by members of armed group identifying themselves, on many occasions, as Islamic extremists targeting women for their activities in defence of women's rights. In January and February 2004, Mrs. Y.M., the Chairperson for the Organisation of Women's Freedom in Iraq, received death threats by email from an Islamist group known as the army of Sahaba.

Similarly, A.S., the manager of the women's centre in Karbala funded by the United States, resigned as a result of repeated death threats against her. On 9 March 2004, the lawyer and civilian employee of the Coalition Provisional Authority (CPA) F.H. from the United States and S.O., her Iraqi assistant, were both killed in an armed attack. She had been very active in supporting women's rights projects funded by the United States in the governorates of Babil, Karbala and Najaf, and was also involved in setting up women's centres in Hilla and Karbala. Furthermore, on 20 November 2004, A.M., a women's rights activist, co-founder of the Advisory Committee for Women's Affairs in Iraq and the Independent Iraqi Women's Assembly and adviser at the Ministry of Municipalities and Public Affairs, was killed together with her secretary, bodyguard and driver in Baghdad. Moreover, A.H., who is one of the three female members in the Iraqi Governing Council was killed in September 2003. Her attackers were reportedly armed men opposed to the occupation led by the United States. R.K., another member of the Governing Council, received death threats for opposing proposed amendments to the Personal Status Law. Moreover, on 29 March 2004, the former Minister of Public Works, N.M.B., who was the only woman in the cabinet, was attacked. She survived the attack, but two of her bodyguards were killed. Finally, L.A.K., a member of former Prime Minister Iyad Allawi's political party, was killed upon returning home following a meeting of the National Assembly. Moreover, women and girls, including non-Muslims, are increasingly under pressure, often violent, to wear a veil or headscarf and to wear the traditional *abaya*. This has led to a reduction in the number of girls and women attending schools and universities. The Ministry of Higher Education and Scientific Research has reportedly been informed of 3,000 cases of women and girls who had requested a postponement of their studies as a result of the security situation linked to this matter. An increase in acid attacks at the hands of Islamist groups and militia against women for not wearing the veil and not wearing the traditional *abaya* have also been reported. Justification for these attacks is based on the reasoning that when a woman or a girl does not wear a veil or the *abaya*, she is going against Muslim traditions and should be punished. This, together with the general increase in insecurity in the country, has also drastically led to the restriction of women's freedom of movement and their ability or willingness to participate in public life, particularly in education, employment and political decision-making. The prohibition of deciding about one's choice of clothes also leads to a violation of the right to freedom of expression. Women and girls have also been subjected to sexual threats by members of the United States forces, including at checkpoints and during house searches, for example. Moreover, women and girls have been beaten, subjected to humiliating treatment, held for long periods in solitary confinement and sexually abused while in detention by United States forces. Rape and killing by criminal gangs, extremist religious groups and armed opposition groups has also increased. Domestic violence continued to be very common and according to article 41.1 of the Penal Code of 1969, which was still in force at the time this communication was sent, a husband who 'disciplines' his wife was exempt from criminal liability. Moreover, most victims of domestic violence have no access to medical treatment. Such violence, including forced marriages and sexual abuse, had also led to the increase in suicides and self-immolations, as well as killings. In northern Iraq, the practices of "Jin be Jin" (exchanging one woman for another) had contributed to the high incidence of forced marriages. Honour killings and mutilations are also condoned in Iraqi legislation. The law allows the mitigation of punishment for perpetrators found guilty of these crimes. Finally, the continued use of female genital mutilation continues to be reported in the northern region of Iraq. Gender discrimination in Iraq's laws further exacerbates and entrenches the persistence of violence against women.

Observations

64. The Special Rapporteur joined this communication because rape, violence and sexual abuse are among the primary causes of child sexual exploitation and trafficking. The Special Rapporteur regrets not having received any reply to these allegations from the Government of Iraq.

Islamic Republic of Iran

Urgent appeal

65. On 24 August 2005, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Representative of the Secretary-General on the situation of human rights defenders concerning several human rights defenders and journalists, including Ms. **R.T.** (f), a human rights activist defending women's rights and Iran's Kurdish minority who is also editor in chief of *Resan* newspaper, **A.Z.** (m), a member of the Association for the Defence of Children's Rights from Sinne, **J.Q.** (m), a journalist, **M.S.** (m), a labour rights activist, **U.G.** (m), a journalist for the weekly *Payam-e mardom-e Kurdistan*, *Achti*, the Kurdish language daily newspaper, and *Asou*, the Kurdish and Farsi language weekly newspaper.

66. According to information received, on 3 August 2005, judicial officials in Sanandaj, the capital of Kurdistan, closed *Asou*. The closure of *Achti* followed shortly after. Moreover, on 2 August 2005, R.T., who has been a harsh critic of the policies of the Islamic Republic concerning the rights of women and Kurdish minority, and whose organization, the Association of Kurdish Women for the Defence of Peace and Human Rights, has been refused legal status, was detained by the police in Sanandaj and has not been given the right to receive visits. She is being charged with endangering national security. Moreover, U.G., A.Z., J.Q. and M.S. were also arrested. The Association for the Defence of Children's Rights has been very active in publicly raising concerns about the administration of criminal cases of minors and has also expressed opposition to the cruel, inhuman and degrading punishment reportedly imposed on children. Furthermore, the managing director for *Payam-e mardom-e Kurdistan* **M.S.K.** was summoned to appear before the Sanandaj court on 4 August 2005. The Special Rapporteurs expressed concern that R.T., U.G., A.Z., J.Q. and M.S. were arrested because of their work in defending human rights, particularly women's and children's rights.

Observations

67. The Special Rapporteur regrets that he has not yet received any response to his communication dated 24 August 2005.

68. The Special Rapporteur notes that the Committee on the Rights of the Child (CRC/C/15/Add.254) expressed concerns over the fact that cooperation with non-governmental organizations, (NGOs), remains selective and limited and recommended, that the State continues to strengthen its cooperation with all NGOs, particularly those dealing with children.

Israel

Letter of allegation

69. On 23 May 2005, the Special Rapporteur, jointly with the Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on trafficking in persons, especially women and children, sent a letter of allegation 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.

70. Female victims of human trafficking reportedly feel pressured to testify in court because certain benefits are being tied to their giving testimony. Reportedly, a legal counsel is only provided to those who agree to testify. Many victims are not informed about their rights. Secondly, it is police officers, not social workers, who decided who is to be referred to the Ma'agan state-run shelter. As a result, the facilities are reportedly only made available to victims of human trafficking who agree to testify. This is occurring in contravention of a government decision that the state shelter would be open to all victims. Furthermore, access to health institutions is reportedly only granted to victims staying at the shelter. Consequently, access to health benefits would also depend on the victims' willingness to cooperate with the law enforcement authorities. 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 threatened a victim from Belarus 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 reportedly inadequate. 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 allows for the better protection of 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. Moreover, 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 to receive the money on their behalf. The court denied the NGO this right arguing that the wording of the relevant statute did not provide for the disbursement of awarded compensation to designated representatives. The common practice of immediately deporting victims after they testified 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.

Observations

71. The Special Rapporteur regrets not having received a reply to his communication of 23 May 2005.

72. The Special Rapporteur wishes to underline the great risks for unaccompanied and separated children facing sexual exploitation and abuse. Such children should not be penalized and should receive assistance as victims of a serious human rights violation. Children who are at risk of being re-trafficked should not be returned to their country of origin unless it is in their best interests and appropriate measures for their protection have been taken.

Kuwait

Follow-up to previously transmitted communications

73. By letter dated 4 January 2005, the Government of Kuwait responded to a letter dated 8 August 2004 (see E/CN.4/2005/78/Add.3, paras. 144 -148) and informed that the Public Authority for Young Persons and Sport was the body with competence for overseeing and monitoring the Kuwait Camel Racing Club in liaison with the Ministry of Social Affairs and Labour. The Public Authority for Young Persons and Sport, having examined the records of the Kuwait Camel Racing Club, has confirmed that the Club has no employees who answer to the name of **A.I.A.**, nor has the Authority received any official complaint about this matter.

74. A Ministerial Decision No. 152 was issued in 2004 by the Ministry of Social Affairs and Labour, which prohibits the employment of children of either sex below the age of 18 in camel racing or similar activities organized by the Kuwait Camel Racing Club or any other body. The decision also lays down the conditions which camel races are required to satisfy.

Observations

75. The Special Rapporteur would like to thank the Government of Kuwait for its reply.

Malawi

Letter of allegation

76. By letter dated 17 October 2005, the Special Rapporteur jointly with the Special Rapporteur on trafficking in persons, especially women and children, brought to the Government's attention information concerning an alleged failure to adequately suppress and punish the trafficking of boys from Malawi into Mozambique and Zambia, where they are economically exploited.

77. Estate owners from Mozambique and Zambia are reported to come to Malawi during the harvest time in August to recruit boys as young as nine years for agricultural work under harsh conditions.

78. 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.

79. 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.

Observations

80. The Special Rapporteur reiterates his interest in receiving a reply to the above communication from the Government of Malawi.

Mexico

Llamamiento urgente

81. El 23 de febrero de 2005, el Relator Especial, juntamente con la Relatora sobre la violencia contra las mujeres, sus causas y consecuencias, el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión y la Representante Especial del Secretario General para los defensores de los derechos humanos, envió un llamamiento urgente en relación con la situación de inseguridad y peligro en la que se encontraba **L.C.R.**, Presidenta del Centro de Crisis para Víctimas, Centro Integral de Atención a las Mujeres (**CIAM**) en Cancún, Estado de Quintana Roo. De acuerdo con las informaciones recibidas, un exagente del Cuerpo Especial Anti-secuestros de Torreón de la Agencia Federal de Investigación (AFI) se habría presentado en varios refugios pertenecientes a la red del CIAM, en las ciudades de Saltillo, Monterrey y San Luis Potosí, portando un arma de fuego y procediendo a amenazar de muerte al personal que trabaja en dichos Centros. Se alega que el ex-agente habría realizado dichas amenazas como represalia por la protección que el CIAM habría dado a su esposa, sus dos hijos y una hija luego de que éstos fugaran de su hogar al sufrir presuntos actos de agresión por parte de dicho ex-agente. Según las informaciones recibidas, luego de sufrir los actos de agresión, la esposa del ex-agente fue transferida al refugio de Cancún. La Sra. L.C.R., Presidenta del CIAM, ha sido amenazada de muerte si no entrega a la esposa del ex-agente. Además, se informa que cuando la Sra. L.C.R. notificó al delegado de la Procuraduría General de la República estos actos, habría recibido la recomendación de que *“no se metiera con él”*, ya que estaba *“muy protegido por sus jefes”*. Se alega también que el 16 de noviembre de 2004, otro hombre, cuya esposa e hijo de tres años de edad habrían recibido también protección por parte del CIAM, se habría presentado en las oficinas del CIAM en Cancún portando armas de fuego y amenazando de muerte al equipo, en particular a la Sra. L.C.R., si no le devolvían a su mujer y a su hijo. Se alega que dicho señor habría comenzado a amenazar al equipo del CIAM tras la primera entrevista anónima que ella dio, en el marco de las investigaciones sobre acciones delictivas imputadas a su marido por parte del Centro de Investigación y Seguridad Nacional (CISEN). Se agrega que desde el mes de diciembre de 2004 y hasta la fecha, el CIAM-Cancún habría recibido amenazas por haber denunciado actos de abuso sexual de niños y niñas por parte de un empresario, cuya identidad tenemos conocimiento, y quien se encuentra detenido en Arizona, Estados Unidos, acusado de abusos y prostitución infantil. Según las informaciones los integrantes del CIAM habrían recibido amenazas por teléfono y por medio de una lista enviada a la policía de seguridad pública local, en la cual aparece el nombre de la Sra. L.C.R. como una de las personas a quienes dicho señor habría mandado asesinar. Aunque las autoridades habrían sido informadas de los presuntos actos de hostigamiento sufridos por los miembros del CIAM, ni la Representante Especial ni los Relatores Especiales tienen conocimiento de eventuales investigaciones sobre estos hechos

ocurridos ni si se han otorgado medidas de protección a favor de los denunciantes. Se teme que estas presuntas amenazas de muerte en contra de la Sra. L.C.R., y del equipo del CIAM, estén relacionadas con su trabajo en defensa de las niñas y mujeres que corren peligro.

Llamamiento urgente

82. El 15 de julio de 2005, el Relator Especial, juntamente con el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión, la Relatora sobre la violencia contra las mujeres, sus causas y consecuencias y el Representante Especial del Secretario-General para los defensores de los derechos humanos, envió un llamamiento urgente en relación con el 25 de abril de 2005 y el 1º de julio, cuando **LC.R.** habría recibido al menos 42 llamadas telefónicas amenazantes en las oficinas del CIAM. Según se informa, parece ser que todas las llamadas habrían sido realizadas por un ex agente de la Policía Judicial del Estado, que también habría pertenecido a una unidad anti-secuestros de la Agencia Federal de Investigación y cuyo nombre tenemos en nuestro conocimiento. Según los informes, la esposa e hijos de aquel hombre están actualmente en un refugio del CIAM. En algunas de las llamadas telefónicas más recientes, el hombre habría dicho “Esto es para LCR, que sepa que pronto estaré en Cancún, cuando menos se lo espere [...] La PGR no puede hacerme nada [...] quienes se meten conmigo sufren hasta la muerte”. Según los referidos informes, el 30 de junio, el exagente habría visitado el refugio para mujeres en la ciudad de Saltillo, Estado de Coahuilla, y habría acosado a la directora, exigiéndole que dijera a L.C.R. que dejara de hablar sobre su caso, y que le devolvieran a su esposa y sus hijos.

Respuesta del Gobierno

83. Por carta con fecha de 23 de diciembre de 2005, el Gobierno informó que la Procuraduría General del Estado de Quintana Roo no tiene documentada ninguna denuncia de las amenazas de las que dicen haber sido víctimas L.C.R. y el personal del Centro Integral de Atención a la Mujer e insta a la afectada a que acuda a la autoridad ministerial competente para presentar denuncia. No obstante lo anterior, desde el 18 de febrero de 2005, se han implementado medidas de protección para salvaguardar la integridad física de L.C.R., del personal que trabaja con ella y de las personas que se encuentran bajo su custodia y en todo momento se han ofrecido garantías para que durante la investigación la víctima se encuentre protegida. La Comisión Nacional de los derechos humanos solicitó a la Procuraduría General de la República la implementación de medidas cautelares a favor de L.C.R., de acuerdo a la Recomendación General N° 7 relacionada con violaciones a la libertad de expresión de periodistas o comunicadores. Para cumplir con la solicitud, la Procuraduría instruyó a la Agencia Federal de Investigación para que sus agentes brinden protección a L.C.R.

Llamamiento urgente

84. El 3 de octubre de 2005, el Relator Especial, juntamente con el Relator Especial sobre la tortura, el Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, el Relator Especial sobre los derechos humanos y las libertades fundamentales de los indígenas, y la Relatora sobre la violencia contra la mujer, sus causas y consecuencias, envió un llamamiento urgente en relación con a **O.I.L.V.** y a **Z.R.S** de la comunidad indígena mixteca de San Isidro Vista Hermosa, en el distrito de Tlaxiaco, estado de Oaxaca.

85. El 29 de agosto del 2005, O.I.L.V., de 17 años de edad, habría sido secuestrada por un hombre enmascarado que le habría obligado a entrar en una furgoneta en cuyo interior se encontraba otro hombre y una mujer. Seguidamente, la furgoneta se habría trasladado a un lugar desconocido donde ella habría sido violada por los captores varones. Esa misma tarde la familia habría recibido una llamada anónima en la que se informaba que O.I.L.V. se encontraba secuestrada por autoridades de Santa Cruz de Nundaco. El 30 de agosto del 2005, O.I.L.V. habría sido obligada a llamar a Z.R.S., conocida dirigente del grupo de San Isidro, para comunicarle que los secuestradores pretendían secuestrar a la hija de Z.R.S. en lugar de ella. El 31 de agosto del 2005, O.I.L.V. habría sido puesta en libertad a 40 kilómetros de Santa Cruz Nundaco. Los secuestradores le habrían entregado un sobre con amenazas contra Z.R.S. y su familia. Asimismo, los relatores han recibido alegaciones sobre la situación de continuo acoso, amenazas e intimidaciones en la que se encontrarían O.I.L.V. y su familia. Según los datos recibidos, la familia de O.I.L.V. habría sido seguida por un automóvil con cristales tintados y ella misma habría estado intimidada en varias ocasiones por varones inidentificables con señales obscenas cuando caminaba por la calle. Resultan preocupantes las denuncias recibidas respecto de la supuesta conducta de las autoridades estatales quienes se habrían mostrado reacias a aceptar las denuncias de acoso a la familia y a prestar alguna medida de seguridad para proteger a O.I.L.V. y su familia.

Respuesta del Gobierno

86. Mediante carta fechada del 23 de Noviembre de 2005, el Gobierno indicó que **O.I.L.V.** y **Z.R.S.** fueron respectivamente víctimas de un secuestro y violación el 29 de agosto de 2005 (con posterior puesta en libertad el 31 de agosto de 2005) en el caso de la O.I.L.V., y de persistente acoso, amenazas e intimidaciones en el caso de Z.R.S.. El Gobierno informó al Relator Especial que, en respuesta a una denuncia interpuesta por O.I.L.V. ante el Ministerio Público de la Agencia Especializada en Delitos Sexuales el 1º de septiembre de 2005, las autoridades Ministeriales del Estado de Oaxaca estaban investigando las acusaciones, pero que estas investigaciones estaban aun en la etapa de averiguación previa, y por consiguiente, el Gobierno de México no estaba aun en posibilidad de calificarlos.

Observaciones

87. El Relator Especial quisiera agradecer al Gobierno de Mexico por la información proporcionada y queda en espera de información adicional sobre el resultado de las investigaciones y de los procedimientos en contra de los presuntos responsables.

Myanmar

Letter of allegation

88. On 16 June 2005, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on trafficking in persons, especially women and children, sent a letter of allegation concerning corruption in the issuance of mandatory national registration cards, which allegedly restricts freedom of movement and exacerbates the trafficking

of women and girls from Kachin state and Shan state into China and Thailand, as well as within Myanmar.

89. National registration cards are reportedly 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 requires that a national registration card is issued to every citizen, reports indicate that citizens living in Kachin state and the Shan state face considerable difficulties in obtaining these documents, primarily because local officials routinely demand the payment of significant bribes (around 10,000 kyat) before issuing a national registration card. In these circumstances, women and girls are particularly vulnerable to becoming victims of trafficking and sexual exploitation.

90. Due to a reported lack of employment and widespread poverty in Kachin and Shan State, women and girls from these areas feel compelled to migrate and find better opportunities elsewhere. Many young women and girls cannot afford or are unwilling to pay the bribes and remain without a national registration card. In some instances, it was 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. In addition, the Eastern Shan State Regional Command 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 leave women and girls susceptible to traffickers who allegedly 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 are frequently forced into prostitution or sold as wives. The victims are afraid to denounce the abuses to state enforcement authorities because they fear arrest and deportation by the Chinese or Thai authorities for illegal entry without proper travel documents followed by punishment by the Myanmar authorities for illegally leaving the country. Also, the existence of checkpoints throughout Myanmar makes it harder for internally trafficked women to escape their situation and return home to their families. A woman who does 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 hold multiple identity cards under different names, making it nearly impossible to determine their true identity and pursue prosecution.

Urgent appeal

91. On 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 violence against women, its causes and consequences, the Special Rapporteur on the situation of human rights in Myanmar, and the Special Rapporteur on trafficking in persons, especially women and children, sent an urgent appeal concerning widespread and systematic violence against women and girls in Myanmar.

92. In all states in Myanmar, both in conflict areas and in ceasefire areas, Government forces are reported to subject women and girls to multiple forms of violence including abduction,

forced marriage, rape, including gang rape, mutilation, suffocation, scalding, murder, sexual slavery and other forms of sexual violence. These acts are allegedly often committed by commanding officers, or with their acquiescence. In many cases, women and girls are subjected to violence by soldiers, especially sexual violence, as “punishment” for allegedly supporting ethnic armed groups. Women and girls are in these cases reported to have been detained and repeatedly raped by the soldiers, sometimes leading to their death. In other cases it is reported that the authorities sanction violence against women and girls committed by military officers, including torture, inter alia, as a means of terrorising and subjugating the population, particularly those in the Shan State. One report detailed the alleged rape of 625 women and girls in Shan State by soldiers from 52 different battalions. It was alleged that 83 per cent of the rapes were committed by officers, often in front of their troops; and 61 per cent of the rape incidents involved gang rapes. In only one of these cases was the perpetrator punished by his commanding officer. On many occasions there was apparently no attempt to conceal the bodies of dead women who were raped and subjected to other acts of violence.

93. Women and girls also face violence when they are used as porters and forced to carry heavy military equipment and food. Subjected to forced labour by the military troops during the day, they are often used as sex slaves at night. If they try to escape they risk being beaten, deliberately starved, tortured or even killed. Pregnant women are not exempt from forced labour assignments. In Mon State, women and girls have been allegedly subjected to all forms of forced labour, including working on military agricultural projects, and guarding railways, motor roads, gas-pipelines, dams and other government infrastructure projects in order to warn the soldiers of any detected movement from the armed ethnic groups. The isolation of most of these posts makes the women and girls more vulnerable to sexual violence.

94. Moreover, in 2004, it was reported that Government soldiers in Mon State took women and girls from their homes and forced them to participate in so-called ‘fashion and beauty shows.’ During the course of the fashion shows and immediately thereafter, the women and girls were subjected to sexual harassment and some were purportedly raped by the soldiers after being forced to stay at the army barracks. Also in 2004, it is reported that during military operations in Mon State, soldiers asked villagers to provide them with a number of women per day. The women were forced to work and serve the soldiers during the day and were also subjected to sexual violence. Some of the women and girls were instructed to visit the soldiers’ homes repeatedly.

95. Furthermore, while in detention, particularly in military camps, women and girls, as men, suffer from the existing harsh conditions including overcrowding, poor sanitation, lack of proper food and nutrition as well as a lack of access to adequate medical treatment. In addition to being reportedly subjected to beatings and torture, women are often allegedly subjected to sexual abuse, harassment and rape at the hands of the military authorities. This reality is aggravated by the fact that most prison officials are male and prisons are not necessarily gender segregated. Furthermore, women are not provided with the necessary sanitary supplies for their menstruation, clothes or adequate water to be able to wash while in detention. Pregnant women are frequently denied medical or other assistance while giving birth, which often leads to complications for both mother and child.

96. Widespread violence against women and girls also results in their restricted movement as they are often fearful of working in the fields or traveling unaccompanied given the regular

military checkpoints where women and girls are often subjected to sexual harassment. This especially affects women and girls in rural areas and their access to necessary public services including access to medical care. As a consequence, many women and girls attempt to leave Myanmar for Thailand to flee the insecure climate. This, however, brings its dangers, as they are sometimes arrested for illegally trying to cross the border and are once again subjected to violence or deported back to their former aggressors. This matter has already been raised with the Government on 16 June 2005 in a letter of allegation jointly sent by the Special Rapporteur on the human rights of migrants, the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on trafficking in persons, especially women and children and the Special Rapporteur on violence against women, its causes and consequences. No response from the Government had, at the time this communication was sent, been received.

97. In most cases, especially when the perpetrators are government officials, victims do not lodge complaints to the authorities on any acts of violence committed against them, for fear of retaliation by the perpetrators. In many instances, those that do complain are invariably instructed to accept meagre compensation under the threat that if they do not retract their complaint, they would be subjected to more violence. Alternatively, they are arbitrarily arrested and detained until they withdraw their complaints. Sometimes the families of the victim are threatened as a means of exerting pressure on the victim. On one occasion, a community leader who reported a rape of one of his villagers was beaten and tortured to death by the military. It is also reported that medical personnel who treat a rape victim are reluctant to take any action with the authorities out of fear of possible reprisals against them. As a result of this, victims are entirely discouraged from making complaints; investigations are as a result rarely initiated and perpetrators are seldom brought to justice. The existence of such a widespread culture of impunity exacerbates the magnitude of violence against women and girls in Myanmar.

98. Moreover, in August 2002, government authorities carried out investigations into the report 'Licence to Rape' where rape cases of Shan women and girls from 1996 to 2001 were documented. It is reported that the authorities forced people throughout central and southern Shan State to sign documents testifying that no incidents of sexual violence had been committed by military troops in their areas. In some places, people were also made to stage public demonstrations to support this claim. It was then publicly announced by the authorities that the findings of the said report were false and fabricated. Moreover, in October 2002, prior to the visit in Shan State of the Special Rapporteur on Myanmar, the authorities threatened Shan villagers not to testify against their troops and sent out military intelligence officers to track down rape survivors. The same warnings were sent to the population prior to the visit of a delegation from ICRC in southern Shan State in late 2002. Military officers threatened to cut the tongues and slit the throats of anyone who dared speak to the ICRC delegations about human rights abuses committed by the military troops. The population was similarly threatened when a delegation from Amnesty International visited Myanmar in January 2003. It is deeply regrettable that repeated calls by the Special Rapporteur on the situation of human rights in Myanmar for an independent investigation to be conducted into allegations of widespread rape against Shan women, following the publication of the License to Rape report, have not been followed up by the Government.

99. Woman and girls also face serious health concerns. Abortion is illegal in Myanmar in all circumstances, including cases of rape and incest, which leads to unsafe and illegal abortions. It has been reported that 50 per cent of maternal deaths are a result of unsafe abortions. Abortion is

also ranked as the third main cause of illness and complications arising from abortions constitute 20 per cent of all hospital admissions. People are not provided with sexual and reproductive health information, and information about birth spacing and safe sex is particularly inaccessible to young single women since they are assumed to be sexually inactive until they are married. Women and girls in rural areas, particularly women and girls members of ethnic minorities are particularly affected. HIV/AIDS and other sexually transmitted diseases are serious threats to women's well-being and have increasingly become recognized as being closely related to the increasing sex trade in Myanmar. High rates of HIV among women and girls are also closely linked to widespread violence against them as rape and sexual assault take away their control over when, with whom and how they experience sex. Despite efforts by the authorities to address these issues, including the organization of AIDS prevention and education, cultural taboos continue to contribute to the lack of knowledge about HIV/AIDS and other sexually transmitted diseases. Moreover, members of Shan communities, for example, cannot take full advantage of such information campaigns since the information is provided only in Burmese. It is deeply regrettable that the Government restrictions and regulations placed upon the operations of the Global Fund which was providing grants to assist in the combat of AIDS led the Fund to announce in August 2005 its withdrawal of significant funding from Myanmar, citing its inability to effectively conduct its activities.

100. Finally, whilst commending efforts by the Government on the progress that has been made in addressing human trafficking, including educational campaigns and the establishment of a police anti-trafficking unit, it is nevertheless reported that many women and girls continue to be trafficked for forced labour and sexual exploitation. Trafficking is 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 is common. Moreover, the spread of HIV/AIDS within the country and from Myanmar to neighbouring countries, due to the extent of trafficking, is an issue of rapidly mounting concern in the region. The attitude of families adds to the cycle of migration and exploitation since families are 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 profit 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 have been especially vulnerable to such violations.

Observations

101. The Special Rapporteur regrets not having received a response to his communication dated 16 June 2005.

102. The Special Rapporteur recalls that rape, violence and sexual abuse are among the primary causes of child sexual exploitation and trafficking of children and urges the Government to prosecute and punish those who violate the human rights of women and girls, including military personnel.

103. Moreover, the Special Rapporteur deems it appropriate to make reference to the conclusions and recommendations of the Committee on the Elimination of Discrimination against Women in its report (A/55/38 paras. 111-138), in which the Special Rapporteur's concerns as referred to in his communications, were reiterated on most matters. The Committee

expressed its concern at, inter alia, the existence of forced labour of women, violations of the human rights of women in particular by military personnel, the existence of little information on the trafficking in women and girls despite the magnitude of the problem, the increase in the number of women with HIV/AIDS and the urgent need for access to health care of persons who have the virus as well as measures to prevent the spread of the disease, the dire situation of women in prisons and police custody including custodial violence, the lack of information on women's sexual and reproductive rights, and the practice of rape and sexual violence.

Nepal

Urgent appeal

104. On 18 February 2005, the Special Rapporteur sent an urgent appeal jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders concerning Mr. **G.P.**, advocate for children's rights and founding president of Child Workers in Nepal Concern Centre (CWIN), a leading child rights' organization in Nepal focusing on issues including child labour, trafficking, and the impact of conflict on children.

105. G.P. was reportedly arrested by police at Kathmandu airport on 17 February 2005 following his return from Geneva where he had attended a working group meeting of the Committee on the Rights of the Child. It is reported that G.P. had expressed the fear that he might be arrested when he returned home to Nepal. The reason for his arrest was not known. At the time this communication was sent, he was reportedly being held at the police headquarters in Naxal, Kathmandu.

Urgent appeal

106. On 28 November 2005, the Special Rapporteur, jointly with the Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on the question of torture, sent an urgent appeal concerning **R.B.** (15 years old) of Khidim VDC, Arghakhanchi and **G.N.** (15 years old) of Pali VDC. On 17 April 2005, R.B. was arrested by security forces in the district of Arghakhanchi and detained in different places of detention. At the District Police Office in Sandhikara, she was kicked and beaten by members of the security forces. She was also subjected to sexual harassment. Before she was sent to the District Police Office in Sandhikara, she was detained at Thada Army Barracks in the Arghakhanchi District for two days and Sandhikharka Army Barracks in Taulihawa for four days. On 10 May 2005, G.N. was arrested and initially held overnight at Sandhikharka Army Barracks in Taulihawa. She was then transferred to the District Police Office in Sandhikharka where she was kicked and beaten by members of the security forces. On 17 June 2005, they were both transferred from the District Police Office in Sandhikara to Kapilvastu Prison where they were arrested on suspicion of being involved with the Communist Party of Nepal. They were arrested under the Terrorist and Disruptive Activities (Control and Punishment) Ordinance which allows for preventative detention for up to one year. On 4 September 2005, the Appeal Court in the neighbouring district of Butwal ruled that their detention was illegal and they were released in front of the Kapilvastu District Court on 5 September 2005. However, they were re-arrested by the police shortly after being released. It is believed that at the time this communication was sent, they were being held

at Kapilvastu District Police Station in Taulihawa, where they were thought to be at risk of torture or ill-treatment.

Observations

107. The Special Rapporteur regrets not having received any replies to his communications of 18 February and 28 November 2005.

Niger

Lettre d'allégations

108. Le 4 août 2005, le Rapporteur spécial a envoyé une lettre, conjointement avec la Rapporteuse spéciale sur la traite des personnes, en particulier les femmes et les enfants, la Rapporteuse spéciale sur la violence contre les femmes y compris ses causes et ses conséquences, 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.

109. 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 comme domestiques. 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 pour cent en 2002) rendraient les femmes et les jeunes filles particulièrement vulnérables à ce type d'exploitation.

110. 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.

111. Dans de nombreuses régions du Niger, les systèmes d'esclavage, historiquement répandus au pays, se seraient transformés en 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 couche sociale inférieure.

112. 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-payé 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.

113. Les descendants des victimes seraient eux-mêmes considérés comme des esclaves. En particulier, il a été rapporté que les maîtres séparaient 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/épouse. Certaines jeunes esclaves seraient vendues comme concubines à certains notables du Nigeria.

114. Ces situations d'esclavage pourraient perdurer sans que nul n'ait 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.

115. 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.

116. En outre, l'attitude de certaines autorités ferait obstruction au travail des organisations de la société civile et des défenseurs des droits de l'homme contre l'esclavage au Niger. Le 28 avril 2005, le Gouvernement aurait arrêté **I.W.**, Président de l'ONG Timidria et **A.B.**, Secrétaire général du bureau de Timidria à Tillabéri.

117. 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.

Observations

118. Le Rapporteur spécial souhaiterait rappeler au Gouvernement du Niger que le Comité des droits de l'enfant a déjà exprimé sa préoccupation s'agissant du nombre croissant d'enfants

victimes d'exploitation sexuelle, du travail des enfants, en particulier dans le secteur informel et de l'existence de l'esclavage dans certaines parties du pays (CRC/C/15/Add.179).

Pakistan

119. On 2 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on trafficking in persons, especially women and children, 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 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 Ms. **S.**, aged 16, resident of Union Council # 90, Ward # 1, Hafiz Colony Tehsil Yazma, Bahawalpur. 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 had been receiving due to his work with the Coalition on Ending Violence Against Women. It is reported that no action had been taken in this regard at the time this communication was sent. Mr. F.A.K. had been involved in the case of **S.**, who was allegedly kidnapped in May 2005 and held against her will for one and a half months by six men led by a local landlord who also lives in Union Council # 90. During her time in captivity, **S.** was allegedly repeatedly gang-raped. Before they released her, her captors tried unsuccessfully to force **S.** to marry another man in order to cover their acts. Eventually they took her to a shelter and left her there. The father of **S.** attempted to lodge a FIR with the police. The police, however, refused to lodge the FIR against the local landlord and suggested that **S.** had escaped willfully. Mr. F.A.K., however, eventually managed to lodge the appeal against the perpetrators and was able to remove **S.** from the shelter. This case was before the Bahawalpur High Court at the time this communication was sent. The perpetrators were constantly threatening to repeat the same thing with the youngest sister of **S.** if they spoke in court about what happened to **S.**. The perpetrators were 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. reported the continuous harassment of himself and members of his family since his involvement in the case. He was forced to send his children to stay with his relatives, for their safety.

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

Observations

121. The Special Rapporteur would like to thank the Government of Pakistan for its response.

Saudi Arabia

Letter of allegation

122. By letter dated 6 December 2005, the Special Rapporteur, jointly with the Special Rapporteur on trafficking in persons, especially women and children, brought to the Government's attention information received concerning the situation of large numbers of children trafficked from Yemen to Saudi Arabia.

123. 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. 3,500 Yemeni children, almost exclusively boys, are reportedly apprehended each month in Saudi Arabia. In November 2005, 20 children, five of them handicapped, were rescued from a gang of traffickers.

124. While many of the children are taken by organized groups, large numbers are also 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.

125. 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.

Observations

126. The Special Rapporteur looks forward to receiving a reply to these allegations.

127. The Special Rapporteur wishes to remind the Government of its obligations to take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Sri Lanka

Letter of allegation

128. On 28 November 2005, the Special Rapporteur, jointly with the Special Rapporteur on violence against women, its causes and consequences, sent a letter of allegation concerning **S.D.R.**, a 14-year-old girl from Lindula. According to information received, on 19 September 2005, S.D.R. was abducted by three men while waiting for a bus in the town of Talawakelle. The men forced her into their car and took her to the town of Nagastenne where she was locked inside a room located above a shop and raped by the men. The girl was also beaten with a wooden pole, as a result of which she sustained severe bruising to her face. Although she was given food on the first day, she had nothing to eat for the two following days. She was released on 22 September 2005. After searching in vain for his granddaughter on 19 September, S.D.R.'s grandfather went to the police station in Lindula to file a complaint with the police. The police refused to file the complaint and instead suggested he continued to look for her. When S.D.R. was released by her abductors, she went together with her grandfather to the same police station to file a complaint. They were directed to go to the Talawakelle police. After having lodged a

complaint there, the girl was sent to the Nuwara Eliya Hospital where she stayed until 25 September. On 26 September, the Talawakelle police arrested two suspects who were identified by the girl. On 11 October, even after S.D.R. reconfirmed the identity of the alleged perpetrators, they were granted bail pending the next hearing which, at the time this communication was sent, was due to take place on 22 November 2005. No measures were taken to protect the victim who fears reprisals from her aggressors.

Observations

129. The Special Rapporteur looks forward to receiving a reply to his communication of 28 November 2005, particularly on the steps taken to ensure that investigations into the reported abduction and rape of S.D.R. were thorough and independent and that she was provided with the necessary protection.

130. The Special Rapporteur deems it appropriate to refer the Government to the recommendations of the Committee on the Elimination of Discrimination against Women (A/57/38, paras. 284 and 285), in which it expressed its concern about the high incidence of violence against women in Sri Lanka.

Letter to the Liberation Tigers of Tamil Eelam (LTTE)

131. On 28 November 2005, the Special Rapporteur addressed a letter to the Head of the LTTE Political Wing through the Head of the Sri Lanka Monitoring Mission (SLMM) concerning three police officers who had crossed into the territory held by the Liberation Tigers of Tamil Eelam (LTTE) on 7 September 2005 to reportedly arrest a British citizen suspected of pedophile activities in Sri Lanka, and who were arrested and held by the LTTE. While the alleged pedophile reportedly surrendered to the National Child Protection Authority Police on 15 September 2005 and was arrested on charges of grave abuse and sexual harassment of two minors in Sri Lanka, at the time this communication was sent judicial authorities were reportedly still awaiting the police officers' release to get the evidence they had collected in order to bring the suspect to court.

Sudan

Letter of allegation

132. On 3 June 2005, the Special Rapporteur, jointly with the Special Rapporteur on violence against women, its causes and consequences, sent a letter of allegation concerning X., a 14-year-old girl of the Beni Halba tribe in Nyala, four other girls and a boy aged six, all IDPs at the Outash camp in Nyala, and two women, IDPs at the Kalma camp.

133. On 19 May 2005 in Nyala Valley, members of the Popular Police Forces, reportedly attacked and raped X. She was taken to hospital for treatment and the medical report confirmed that she was raped and had sustained physical injuries. Her family reported the incident to the police in Nyala and a case was lodged against the alleged perpetrators, as identified by the victim. The first trial session took place on 26 May 2005. The second sitting was, at the time this communication was sent, scheduled for 2 June 2005. Moreover, on 3 May 2005, 3 km northeast of the Outash IDP camp in Nyala, armed officers from Gedel Haboub attacked four girls and a boy aged six while they were outside the camp looking for firewood. The officers flogged the

children and raped two of the girls, aged 14 and 12. The other three children managed to escape and returned to the IDP camp. Two of the perpetrators were identified by the two rape victims and were, at the time this communication was sent, in military intelligence custody in Nyala. No date has yet been set for a court hearing against them. Finally, on 9 March 2005 at around 3 p.m., five armed men in military uniform attacked two women from the Kalma IDP camp, 17 km east of Nyala in Southern Darfour, while they were looking for firewood. The attackers attempted to rape the women but they managed to escape and return to the camp. No investigations into the attempted rape of the two women had been initiated reportedly as a result of pressure having been put on the women by security offices.

Letter of allegation

134. On 30 September 2005, the Special Rapporteur, jointly with 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, and the Special Rapporteur on violence against women, its causes and consequences, sent a letter of allegation concerning widespread sexual violence in Darfur. According to the information received, large numbers of women and girls in Darfur continue to be subjected to sexual violence, including rape. Victims of these acts of sexual violence reported that the perpetrators are most frequently members of law enforcement agencies or the armed forces. Women and girls who are internally displaced are particularly at risk, especially when they leave the camps to search for firewood or other basic needs. Often victims do not report sexual violence because they fear retaliation by the perpetrators or because they lack faith in the authorities' willingness and ability to hold the perpetrators accountable. When women and girls who have been subjected to sexual violence report the violence to the authorities, they face numerous obstacles to having their case investigated and the perpetrator held accountable. In some cases, the police refuse to register cases; in others, the police fail to investigate claims of sexual violence effectively. Also, legal and procedural barriers make holding accused members of the police and armed forces extremely difficult, as State agents may benefit from immunity or may be subject to prosecution only by a military court. Some victims report having been intimidated and harassed by the police when attempting to report cases of sexual violence. In these circumstances, very few perpetrators of sexual violence are held accountable and women and girls who have faced sexual violence have not received adequate protection and support. Victims also face barriers to access to justice because of evidentiary requirements for proving rape. While the Special Rapporteur was informed that Criminal Form 8 (a medical evidence form which must be completed by a qualified medical professional in order to lodge a complaint of sexual violence) is meant to standardize the evidence collected during criminal investigations, it is reported that this form has hindered women's access to confidential medical treatment, and does not allow medical professionals to include all relevant information for proving rape and other forms of sexual violence. It is reported that some police claim that no medical treatment can be given to a victim of sexual violence until Form 8 is completed, even though the Government has officially explained that urgent medical treatment should be provided regardless of whether the form has been completed or not. Women who are unable to prove that they were raped may face criminal charges of adultery. The health consequences for women and girls who have faced sexual violence are severe, including the physical injuries arising directly from the violence, mutilation of the genitals by the perpetrators with knives, sexually transmitted diseases, pregnancy and psychological trauma. It is reported that many women in Darfur who have been raped avoid seeking medical treatment because of the stigma associated with such violations. Furthermore,

women's access to medical care is hindered by the lack of adequate medical facilities and the unavailability of free medication.

Observations

135. The Special Rapporteur regrets not having received any replies to the communications he sent, particularly in light of the serious nature of reports received concerning allegations of widespread violence against women and girls, especially sexual violence and related violence, particularly in the Darfur region.

Syrian Arab Republic

Urgent appeal

136. On 30 September 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, 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 and the Special Rapporteur on violence against women, its causes and consequences, sent an urgent appeal concerning **R.A.I.-K.**, born in 1985 and pregnant; **N.A.I.-S.** who had, just given birth a few months before this communication was sent; , and **H.A.I.-K.**, born in 1988 and pregnant. On 3 September 2005, following a conflict in the Hama province between Syrian Anti-Terror Squad and militants of the Jund-al-Sham (Soldiers of the Levant), Syrian forces arrested the three women, including N.A.I.-S. with her child, instead of their husbands since the security forces were unable to find them. The security forces claimed that the husbands were involved with the Jund-al-Sham. The women were being detained incommunicado in the filthy underground cells known as "tombs" at the Military Intelligence Palestine Branch in Damascus. These "tombs" are two metres deep, less than two metres long and one metre wide. The Palestine Branch is known to be infested with cockroaches and other insects, as well as rats. Other pregnant women and young children were also being detained in this prison, and one woman had already suffered a miscarriage as a result of being tortured there.

Observations

137. The Special Rapporteur joined this case to express his fear that the girls might be at risk of torture or rape. He reiterates his interest in receiving the reply of the Government of the Syrian Arab Republic to these allegations.

United Arab Emirates

Letter of allegation

138. By letter dated 1 April 2005, the Special Rapporteur, jointly with the Special Rapporteur on trafficking in persons, especially women and children, brought to the Government's attention information received, concerning **S.**, a **nine-year-old Pakistani boy** who was taken to the United Arab Emirates six years ago to work as a camel jockey. He was reportedly repatriated by the Embassy of Pakistan on 20 February 2005.

139. Six years ago, he left his home in Rahim Yar Khan, southern Punjab, with his father and travelled to the United Arab Emirates via the 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 United Arab Emirates 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 in the Emirates, including Abu-Dhabi, Budsasis, Al-Ain, Rasulkhema and Oman. There were reportedly six other Pakistani boys in the last camp he worked.

140. 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, increasing to 500 dirhams by the time he returned to Pakistan. The Sheikh would hand over a certain amount to S.'s father and retain part as a form of guarantee. During his father's first visit, S. also met his three brothers who were also working as jockeys for different Sheikhs in different states of the United Arab Emirates.

141. His 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 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 at 5 a.m. and work until 2 p.m. All the children were generally given enough food for lunch, except before races when they were reportedly made to diet. He lived in the stables where the camels were kept, along with the other children. 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.

142. 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 camel jockeys suffered serious injuries recently, and a few children also died during races, including one child who used to work with S. and who died 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, causing cuts to his left thigh and right arm. Reportedly, in the two last years of his stay in the Emirates, 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.

143. Reportedly, S. came to the attention of the Embassy of Pakistan when his uncle contacted the Embassy for an extension or a new passport for S. Suspecting S. could be involved in camel racing, the Embassy staff cross-questioned the 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 runs 17 shelter homes for children and women in the country. 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.

144. According to information received, the use of children as camel jockeys in the United Arab Emirates has been prohibited since 1980 under the 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 45 kg from being employed in camel racing. It also specifies that all camel jockeys must provide 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.

Government's response

145. By letter dated 30 May 2005, the Government replied 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 appeared 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.

146. 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.

Follow-up letter

147. On 19 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on trafficking in persons, especially women and children, 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 have so far been repatriated to their countries of origin.

148. Boys from a number of countries, including Sudan, Bangladesh, Pakistan and Yemen, have 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.

149. The Government has since adopted legislation, criminalizing the use of any children as camel jockeys and providing for penalties of up to three years imprisonment and/or a fine of at least 50,000 dirhams. In addition, camel owners were given a deadline to release underage jockeys and the Government has 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.

150. However, according to information received only a few hundred of these 3,000 children have since been repatriated. A number of boys from the Sudan have 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 have so far been repatriated to their home countries.

Observations

151. The Special Rapporteur looks forward to a continuing dialogue with the Government on the use of child as camel jockeys and reiterates his interest in receiving a response to his second letter.

United Kingdom of Great Britain and Northern Ireland

Letter of allegation

152. On 2 December 2005, the Special Rapporteur, jointly with the Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on trafficking in persons, especially women and children, 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. According to information received, children, particularly girls, as young as two years old, were reported to be increasingly trafficked into the country for domestic servitude, prostitution or to facilitate benefit fraud. Between August and November 2004, 1,738 children reportedly arrived in 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 United Kingdom. Concerns about this practice first came to light in London four years ago when the torso of a young boy was found floating in the Thames. Reports also provide that children are smuggled into the United Kingdom 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. Moreover, 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 investigations 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 Cote d'Ivoire 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. The Special Rapporteur expressed particular concern that many cases of trafficked and abused children might not be 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. Children in such situations are also said to be treated as "absconders" or asylum-seekers by police officers instead of being protected. 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 entered the country. The motion reportedly described the situation as "alarming". It is also in this context that the Special Rapporteur had expressed concern about information that police had been able to trace all but two of the 300 African children who appeared to have vanished from their schools from July and September 2001.

Observations

153. The Special Rapporteur looks forward to receiving a reply to his communication of 2 December 2005.

154. Without implying any determination on the facts of the case, pending the Government's reply, the Special Rapporteur considers it appropriate to make reference to the Committee on the

Rights of the Child's concluding observations (CRC/C/15/Add.188). The Committee expressed concerns that trafficking for sexual exploitation or other exploitation is still a problem and that sexually exploited children are still criminalized by law. Concerns were also expressed at the prevalence of violence, including sexual violence, against children throughout the State party, within families, in schools, in institutions, in the care system and in detention. The Committee noted with deep concern the growing levels of child neglect and was alarmed at the lack of a coordinated strategy to limit the extent of these phenomena. It particularly noted the absence of adequate and systematic follow-up of child deaths and that crimes committed against children below the age of 16 are not recorded.

United States of America

Letter of allegation

155. On 30 September 2005, the Special Rapporteur, jointly with 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 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 violence against women and girls, women human rights defenders and political leaders. According to information received, female political leaders and women campaigning to protect women's rights had been threatened and killed by members of armed group identifying themselves, on many occasions, as Islamic extremists targeting women for their activities in defence for women's rights. In January and February 2004, Ms. **Y.M.**, the Chairperson for the Organization of Women's Freedom in Iraq received death threats by email from an Islamist group known as the army of Sahaba. United States officials informed Ms. Y.M. that they were not in a position to offer her protection. Similarly, **A.S.**, the manager for the women's centre in Karbala funded by the United States, resigned as a result of repeated death threats against her. On 9 March 2004, a lawyer and civilian employee of the Coalition Provisional Authority (CPA) **F.H.** as well as **S.O.**, her Iraqi assistant, were both killed in an armed attack. Ms. FH had been very active in supporting women's rights projects in the governorates of Babil, Karbala and Najaf, and was also involved in setting up women's centres in Hilla and Karbala. Furthermore, on 20 November 2004, **Aal.-M.**, a women's rights activist, co-founder of the Advisory Committee for Women's Affairs in Iraq and the Independent Iraqi Women's Assembly as well as adviser at the Ministry of Municipalities and Public Affairs, was killed together with her secretary, bodyguard and driver in Baghdad. Moreover, **Aal-H.**, who is one of the three female members in the Iraqi Governing Council was killed in September 2003. Her attackers were reportedly armed men opposed to the United States-led occupation. **R.K.**, another member of the Governing Council received death threats for opposing proposed amendments to the Personal Status Law. Moreover, on 29 March 2004, the former Minister of Public Works, **NMal-B.**, who was also the only woman in the Cabinet, was attacked. She survived the attack, but two of her bodyguards were killed. Finally, **L.A.K.**, a member of former Prime Minister Iyad Allawi's political party, was killed upon returning home following a meeting of the National Assembly. Moreover, women and girls, including non-Muslims, are increasingly under pressure, often violent, to wear a veil or headscarf and to wear the traditional *abaya*. This has led to a reduction in the number of girls and women attending schools and universities. The Ministry of Higher Education and Scientific Research had been informed of 3,000 cases of women and girls who had requested a postponement of their studies as a result of the security situation linked to this matter. An increase in acid attacks at the hands

of Islamism groups and militia against women for not wearing the veil and not wearing the traditional *abaya* had also been reported. Justification for these attacks is reportedly based on the reasoning that when a woman or a girl does not wear a veil or the *abaya*, she is going against Muslim traditions and should be punished. This, together with the general increase in insecurity in the country, has also drastically led to the restriction of women's freedom of movement and their ability or willingness to participate in public life, particularly in education, employment and political decision-making. The prohibition of deciding about one's choice of clothes also leads to a violation of the right to freedom of expression. Women and girls had also been subjected to sexual threats by members of the United States forces, including at checkpoints and during house searches, for example. Moreover, women and girls had been beaten, subjected to humiliating treatment, held for long periods in solitary confinements, and sexually abused while in detention by United States forces. Rape and killing by criminal gangs, extremist religious groups and armed opposition groups had also increased. Domestic violence continued to be very common and according to article 41.1 of the Penal Code of 1969, which was, at the time this communication was sent, still in force, a husband who 'disciplines' his wife was exempt from criminal liability. Moreover, most victims of domestic violence had no access to medical treatment. Such violence, including forced marriages and sexual abuse, had also led to the increase in suicides and self-immolations, as well as killings. In northern Iraq, the practices of "Jin be Jin" (exchanging one woman for another) had contributed to the high incidence of forced marriages. Honour killings and mutilations are also condoned in Iraqi legislation. The law allows the mitigation of punishment for perpetrators found guilty of these crimes. The continued use of female genital mutilation continued to be reported in the northern region of Iraq. Gender discrimination in Iraq's laws further exacerbates and entrench the persistence of violence against women in the country.

Observations

156. The Special Rapporteur regrets not having received a reply to his communication of 30 September 2005.

Yemen

Letter of allegation

157. On 6 December 2005, the Special Rapporteur, jointly with the Special Rapporteur on trafficking in persons, especially women and children, brought to the Government's attention information received concerning the situation of large numbers of children trafficked from Yemen to Saudi Arabia.

158. 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.

159. 3,500 Yemeni children, almost exclusively boys, are reportedly apprehended each month in Saudi Arabia. In November 2005 alone, 20 children, five of them handicapped, were rescued from a gang of traffickers.

160. While many of the children are taken by organized 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.

161. 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.

162. 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.

163. 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.

Observations

164. The Special Rapporteur looks forward to receiving a reply to these allegations.

Occupied Palestinian Territory

Letter of allegations

165. By letter dated 3 June 2005, the Special Rapporteur, jointly with the Special Rapporteur on trafficking in persons, especially women and children, brought to the Palestinian Authority's attention information received concerning the recruitment and use of children for armed conflict by Palestinian armed groups.

166. According to the information received, **A.N.**, a 15-year-old Palestinian boy from Askar refugee camp was arrested by the Israeli army on 22 May 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 was carrying 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 at the same military checkpoint.

167. On 27 April 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.

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

169. 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 1 November 2004 and resulted in the deaths of three Israeli civilians.

Observations

170. The Special Rapporteur would like to reiterate his interest in receiving a reply to these allegations.
