**ANNEXURE- A**


On 2 December 1949 at its 264th plenary meeting, the General Assembly adopted the following resolution 317(IV) and the connection annexed thereto:

*The General Assembly*

"Approves the following Convention, and purposes that each Member of the United Nations and each non-member state which the appropriate organ of the United Nations may invite to do so become a Party thereto."

**Text of the Convention Preamble**

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

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

2. International Convention of 4th May 1910 for the Suppression of the white slave Traffic, as amended by the above-mentioned protocol,
3. International Convention of 30 September, 1921 for the Suppression of the Traffic in Women and Children, as amended by the protocol approved by the General Assembly of the United nations on October, 1947,
4. International Convention of 11 October 1933 for the suppression of the Traffic in women of Full Age, as amended by the aforesaid protocol,

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

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

Now therefore
The contracting parties
Hereby agree as hereinafter provided:
Article 1
The Parties to the present Convention agree to punish any person who, to gratify the passions of another;
1. Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;
2. Exploits the prostitution of another person, even with the consent of that person.

Article 2
The Parties to the present convention further agree to punish any person who:
1. Keeps or manages, or knowingly finances or takes part in the financing of a brothel;
2. Knowingly lets or rents a building or other place or any other part thereof for the purpose of the prostitution of others.

Article 3
To the extent permitted by domestic law, attempts to commit any of the offences referred to in 1 and 2 and acts preparatory to the commission thereof, shall also be punished.

Article 4
To the extent permitted by domestic law, intentional participation in the acts referred to in articles 1 and 2 above shall also be punishable.
To the extent permitted by domestic law, acts of participation shall be treated as separate offences whenever this is necessary to prevent impunity.

Article 5
In cases where injured persons are entitled under domestic law to be parties to proceedings in respect of any of the offences referred to in the present Convention, aliens shall be as entitled upon the terms as nationals.

Article 6
Each Party to the present Convention agrees to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification.

Article 7
Previous conventions pronounced in foreign States for offence referred to in the present Convention shall, to the extent permitted by domestic law, be taken into account for the purpose of:
1. Establishing recidivism;
2. Disqualifying the offender from the exercise of civil rights.

Article 8
The offences referred to in articles 1 and 2 of the present Convention shall be regarded as extraditable offences in any extradition treaty which has been or may hereafter be concluded between any of the Parties to this Convention.
The Parties to the present Convention which do not make extradition conditional on the existence of a treaty shall henceforward recognize the offences referred to in articles 1 and 2 of the present Convention as cases for extradition between themselves.

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

Article 9

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

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

Article 10

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

Article 11

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

Article 12

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

Article 13

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

The transmission of letters of request shall be effected;

By direct communication between the judicial authorities, or

By direct communication between the ministers of Justice of the two States, or by direct communication from another competent authority of this State making the request to the Minister of Justice of the State to which the request is made; or

Through the diplomatic or consular representative of the State making the request in the State to which the request is made, this representative shall send the letters of request direct to the competent judicial authority or to the authority indicated by the Government of the State to which the request is made, and shall receive direct from such authority the papers constituting the execution of the letters of request.

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

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

Each Party to the present Convention shall notify to each of the other Parties to the Convention the method or methods of transmission mentioned above which it will recognize for the letters of request of the latter State.

Until such notification is made by a State, its existing procedure in regard to letters of request shall remain in force.

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

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

**Article 14**

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

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

**Article 15**

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

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

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

**Article 16**

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

**Article 17**

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

In particular they undertake:

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

4. To take appropriate measures in order that the appropriate authorities be informed of the arrival of persons who appear, prima facie, to be the principals and accomplices in or victims of such traffic.

Article 18

The Parties to the present Convention undertake, in accordance with the conditions laid down by domestic law, to have declarations taken from aliens who are prostitutes, in order to establish their identity and civil status and to discover who has caused them to leave their State. The information obtained shall be communicated to the authorities of the State of origin of the said persons with a view to their eventual repatriation.

Article 19

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

1. Pending the completion of arrangements for the repatriation of destitute victims of international traffic in persons for the purpose of prostitution, to make suitable provisions for their temporary care and maintenance;

2. To repatriate persons referred to in article 18 who desire to be repatriated or who may be claimed by persons exercising authority over them or whose expulsion is ordered in conformity with the law. Repatriation shall take place only after agreement is reached with the State of destination as to identity and nationality as well as to the place and date of arrival at frontiers. Each Party to the present Convention shall facilitate the passage of such persons through its territory.

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

Article 20

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

Article 21

The Parties to the present Convention shall communicate to the Secretary-General of the United Nations such laws and regulations as have already been promulgated in their States, and thereafter annually such laws and regulations as may be promulgated, relating to the subjects of the present Convention, as well as all measures taken by them concerning the application of the Convention. The information received shall be published periodically by the Secretary-General and sent to all Members of the United Nations and to non-member States to which the present Convention is officially communicated in accordance with article 23.
Article 22

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

Article 23

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

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

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

Accession shall be effected by deposit of an instrument of accession with the Secretary General of the United Nations.

For the purposes of the present Convention the word 'State' shall include all the colonies and Trust Territories of a State signatory or acceding to the Convention and all territories for which such State internationally responsible.

Article 24

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

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

Article 25

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

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

Article 26

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

a) Of signatures, ratifications and accessions received in accordance with article 23;

b) Of the date on which the present Convention will come into force in accordance with article 24;

c) Of denunciations received in accordance with article 25.
Article 27

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

Article 28

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

FINAL PROTOCOL

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

The provisions of articles 23 to 26 inclusive of the Convention shall apply to the present protocol.
ANNEXURE – B

Convention on the Rights of the Child

Preamble

The state Parties to the Present Convention,

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

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

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

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

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

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

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

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

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

Recalling the provisions of the Declaration on social and legal Principles relating to the protection and welfare of Children, with Special Reference to Foster placement and Adoption Nationally and Internationally; the United nations Standard minimum Rules for the Administration of Juvenile Justice ( The Beijing Rules); and the Declaration on the Protection of Women and children in Emergency and Armed Conflict,
Recognizing that, in all countries in the world, there are children need special living in exceptionally difficult conditions, and that such children need special consideration.

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

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

Have agreed as follows:

PART I

Article 1

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

Article 2

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

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

Article 3

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

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

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

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

Article 5

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

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily reestablishing his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

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

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

280
Article 10

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

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

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, State Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the forms of art, or through any other media of the child’s choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary;

   a) For respect of the rights or reputations of others; or

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

Article 14

1. State Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal
guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. State Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (order public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, or to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

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

a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

c) Encourage the production and dissemination of children's books;

d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. State Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents, or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basis concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

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

**Article 19**

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

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

**Article 20**

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

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

3. Such care could include, *inter alia*, foster placement, *kafalah* of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

**Article 21**

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

a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counseling as may be necessary;

b) Recognize that inter-country adoption may be considered as an alternative means of child's care if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavor, within this frame work, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

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

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

Article 23

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

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

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

4. States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.
Article 24

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

2. States Parties shall pursue full implementation for this right and, in particular, shall take appropriate measures:
   a) To diminish infant and child mortality;
   b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care:
   c) To combat disease and malnutrition, including within frameworks of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution;
   d) To ensure appropriate pre-natal and post-natal health care for mothers;
   e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;
   f) To develop preventive health care, guidance for parents and family planning education and services.

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

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

Article 25

State Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a period review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the recourses and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.
Article 27

1. State Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents of other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child State Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

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

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

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

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

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

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

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

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

Article 29

1. States Parties agree that the education of the child shall be directed to:

   a) The developments of the child's personality, talents and mental and physical abilities to their fullest potential;

   b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; and

d) The preparation of the child for responsible life in a free society in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be constructed so as to interface with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirement that the education given in such institution shall confirm to such minimum standards as may be laid down by the State.

Article 30

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

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular.

   a) Provide for a minimum age or minimum ages for admission to employment;

   b) Provide for appropriate regulation of the hours and conditions of employment;

   c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.
Article 34

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

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

Article 35

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

Article 36

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

Article 37

States Parties shall ensure that:

a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
b) No child shall be deprived of his or liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of child shall be in conformity with the law and shall be used only as a measure of last resort and for shortest appropriate period of time,
c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family thought correspondence and visits, save in exceptional circumstances;
d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

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

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

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

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.
Article 39

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

Article 40

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

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

a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed.

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

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witness on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law; to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

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

a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

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

Article 41

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

a) The law of a State Party; or

b) International law in force for that State.

PART II

Article 42

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

Article 43

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

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by State Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which to thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and on absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the member elected at the first election shall expire at the end of two years; immediately after the election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

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

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

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

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

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

Article 44

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

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

   b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfillment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

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

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

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

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

Article 45

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

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

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

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

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

PART III

Article 46

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

Article 47

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

Article 48

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

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose on amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to State Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

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

Article 53

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

Article 54

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

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.
ANNEXURE – C

THE STOCKHOLM DECLARATION AND AGENDA FOR ACTION

Declaration

1. We, gathered in Stockholm for the world congress against commercial Sexual exploitation of children, representing the Government organizations, the end child prostitution in Asian Tourism (ECPAT) campaign, UNICEF and other concerned organizations and individuals worldwide, hereby commit ourselves to a global partnership against the commercial sexual exploitation of children.

The Challenge

2. Every day, more and more children are subjected to sexual exploitation and sexual abuse. Concerted action is needed at the local, national, regional and international level to bring an end to these phenomena.

3. Every child is entitled to full protection from all forms of sexual exploitation and sexual abuse. This is reaffirmed by the convention on the Rights of the child, an international legal instrument of universal significance (of which there are 187 States Parties). States are required to protect the child from sexual exploitation and sexual abuse and promote physical and psychological recovery and social reintegration of the child victim.

4. According to the convention on the rights of the child, the best interests of the child shall be a primary consideration in all actions concerning children, and their rights are to be enjoyed without discrimination of any kind. In all matters affecting the child, the views of the child should be given due weight, in accordance with the age and maturity of the child.

5. The commercial sexual exploitation of children is a fundamental violation of children’s rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitute a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.

6. Poverty cannot be used as a justification for the commercial sexual exploitation of children, even though it contributes to an environment which may lead to such exploitation. A range of other complex contributing factors include economic disparities, inequitable socio-economic structures, dysfunctionsfamilies, lack of education, gender discrimination, irresponsible male sexual behaviour, harmful traditional practices, armed conflicts and trafficking of children. All these factors exacerbate the vulnerability of girls and boys to those who would seek to procure them for commercial sexual exploitation.

7. Criminals and criminal networks take part in procuring and channeling vulnerable children toward commercial sexual exploitation and in perpetuating such exploitation. These criminal elements service the demand in the sex market created by customers, mainly men, who seek unlawful sexual gratification with children. Corruption and collusion, absence of and/or inadequate laws, lax law enforcement, and limited sensitization of law enforcement personnel to the harmful impact on children, are all further factors which lead, directly or indirectly, to the commercial sexual exploitation of children. It may involve the acts of a single individual, or be organized on a small scale (eg. Family and acquaintances) or a large scale (eg. Criminal network).
8. A wide range of individuals and group at all levels of society contribute to the exploitative practice. This includes intermediaries, family members, the business sector, service providers, customers, community leaders and government officials, all of whom may contribute to the exploitation through indifference, ignorance of the harmful consequences suffered by children, or the perpetuation of attitudes and values that view children as economic commodities.

9. The commercial sexual exploitation of children can result in serious, lifelong even life threatening consequences for the physical, psychological, spiritual, moral and social development of children, including the threat of early pregnancy, maternal mortality, injury, retarded development, physical disabilities and sexually transmitted diseases, including HIV/AIDS. Their right to enjoy childhood and to lead a productive, rewarding and dignified life is seriously compromised.

10. While laws, policies and programmes exist to counter the commercial sexual exploitation of children, greater political will, more effective implantation measures, and adequate allocation of resources are needed to give effect to the spirit and letter of these laws, policies and programmes.

11. The primary task of combating the commercial sexual exploitation of children rests with the State and families. The civil society also has an essential role to play in preventing and protecting children from commercial sexual exploitation. It is imperative to build a strong partnership between Governments, international organization and all sectors of society to counter such exploitation.

The Commitment

12. The World congress reiterates its commitment to the rights of the child, bearing in mind the Convention on the Right of the child, and calls upon all States in cooperation with national and international organizations and civil society to:

- Accord high priority to action against the commercial sexual exploitation of children and allocate resources for this purpose;
- Promote stronger cooperation between States and all sectors of society to prevent children from entering the sex trade and to strengthen the role of sexual exploitation;
- Criminalise the commercial sexual exploitation of children, as well as other forms of sexual exploitation of children, and condemn and penalize all those offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized;
- Review and Revise, where appropriate, laws, policies, programmes and practices to eliminate the commercial sexual exploitation and strengthen communication and cooperation between law enforcement authorities;
- Enforce laws policies and programmes to protect children from commercial sexual exploitation and strengthen communication and cooperation between law enforcement authorities;
- Promote adoption implementation and dissemination of laws policies and programmes supported by relevant regional national and local mechanisms against the commercial sexual exploitation of children;
- Develop and Implement comprehensive and dissemination of laws, policies and programmes to prevent the commercial sexual exploitation of children to protect and assist the child victims and to facilitate their recovery and reintegration into society;
- Create a climate through education social mobilization and development activities to ensure that parents and others legally responsible for children are able to fulfill their rights duties and
responsibilities to protect children from commercial sexual exploitation;

- Mobilise political and other partners national and international communities including inter-government organizations and non-governmental organizations to assist countries in eliminating the commercial sexual exploitation of children; and

- Enhance the role of popular participation, including that of children in preventing and elimination the commercial sexual exploitation of children.

13. The World Congress adopts this Declaration and Agenda for Action to assist in Protecting child rights. Particularly the implementation of the convention on the Rights of the child and other relevant instruments to put an end to the commercial sexual exploitation of children worldwide.

Agenda for Action against Commercial Sexual Exploitation of Children

1. The Agenda for Action aims to highlight existing international commitments to identify priorities for action and to assist in the implementation of relevant international instruments. It calls for action from States all sectors of society and national regional and international organizations against the commercial sexual exploitation of children.

2. Coordination and Cooperation:

i) Local National Levels

a) Urgently strengthen comprehensive cross sectoral and integrated strategies and measures so that by the year 2000 there are national agenda(s) for action and indicators of progress with set goals and time frame for implementation targeted to reducing the number of children vulnerable to commercial sexual exploitation and nurturing an environment attitudes and practices responsive to child rights;

b) Urgently develop implementation and monitoring mechanism(s) or focal points(s) at the national and local levels in cooperation with civil society so that by the year 2000 there are data bases on children vulnerable to commercial sexual exploitation and on their exploiters with relevant research and on their exploitation to disaggregating data by age gender ethnicity indigenous data by age gender ethnicity indigenous status exploitation and respect for confidentiality of the child victims especially in regard to public disclosures;

c) Foster close interaction and cooperation between the government and non-government sectors to plan implement and evaluate measures against the commercial sexual exploitation of children coupled with campaigns to mobilize families and communities to protect children from commercial sexual exploitation, and with adequate allocation of resources;

ii) Regional International Levels

d) Promote better cooperation between countries and international organizations including regional organizations and other catalysts which have a key role in eliminating the commercial sexual exploitation of children including the committee on the rights of the child, UNICEF, ILO UNESCO, UNDP, WHO, UNAIDS, UNHCR, IOM, the World Bank/IMF, INTERPOL, UN crime prevention and Criminal justice UNFPA, the World Tourism Organization the UN High Commissioner for Human Rights the UN Centre for Human Rights the UN Commission on Human Rights and its Special Reporter on the sale of children and the Working Group on Contemporary forms of Slavery each taking guidance from the Agenda for Action in their activities in accordance with their respective mandates;
e) Advocate and mobilize support for child rights and ensure that adequate resources are available to protect children from commercial sexual exploitation; and

f) Press for full implementation for the Convention on the Rights of the Child by state parties, including requirements for reporting to the committee on the Rights of the Child in accordance with existing deadlines and encourage follow-up of countries progress towards full realization of child rights in the context of other relevant United Nations organs bodies and mechanisms including the UN commission on Human Rights and its Special Rapporteur on the Sale of Children.

3. Prevention:

a) Provide children with access to education as a means of improving their status and make primary education compulsory and available free to all;

b) Improve access and provide relevant health services education training recreation and a supportive environment to families and children vulnerable to commercial sexual exploitation including those who are displaced homeless refugees, stateless unregistered in detention and/or in state institutions;

c) Maximize education on child rights incorporate where appropriate the Convention on the rights of the child into formal and non-formal education for all communities families and children;

d) Initiate gender sensitive communication media and information campaigns to raise awareness and educate government personnel and other members of the public about child rights and the illegality and harmful impact of the commercial sexual exploitation of children and promote responsible sexual attitudes and behavior in society in keeping with the child's development sense of dignity and self-esteem;

e) Promote child rights in family education and family development assistance including an understanding that both parents are equally responsible for their children with special intervention to prevent sexual violence against children;

f) Identify or establish peer education programmes and monitoring network to counter the commercial sexual exploitation of children;

g) Formulate or strengthen and implement gender-sensitive national social and economic policies and programmes to assist children vulnerable to commercial sexual exploitation families and communities in resisting acts that lead to the commercial sexual exploitation of children with special attention to family abuse harmful traditional practices and their impact on girls and to promoting the value of children as human beings rather than commodities and reduce poverty by promoting gainful employment income generation and other supports

h) Develop or strengthen implement and publicize relevant laws policies and programmes to prevent the commercial sexual exploitation of children bearing in mind the convention on the Rights of the child;

i) Review laws policies programmes and practices which lead to or facilitate the commercial sexual exploitation lead to or facilitate the commercial sexual exploitation of children and adopt effective reforms;

j) Mobilize the business sector including the tourism industry against the use of its networks and establishments for the commercial sexual exploitation of children;
k) Encourage media professionals to develop strategies which strengthen the role of the media in providing information of the highest quality reliability and ethical standards concerning all aspects of commercial sexual exploitation of children; and

l) Target those involved with commercial sexual exploitation of children with information and outreach campaigns and programmes to promote behavioral changes to counter the practice.

4. Protection:

a) Develop or strengthen and implement laws policies and programmes to protect children and to prohibit the commercial sexual exploitation of children bearing in mind that the different types of perpetrators and ages circumstances of victims required differing legal and programmatic responses;

b) Develop or strengthen and implement national laws to establish the criminal responsibility of service providers customers and intermediaries in child prostitution, child trafficking, child pornography, including possession of child pornography and other unlawful sexual activity;

c) Develop or strengthen and implement national laws policies and programmes that protect child victims of commercial sexual exploitation from being penalized as criminals and ensure that they have full access to child-friendly personal and support services in all sectors and particularly in the legal social and health fields;

d) In the case of sex tourism develop or strengthen and implement laws to criminalise the acts of the national of the countries of origin when committed against children in the countries of destination ("extra-territorial criminal laws") promote extradition and other arrangements to ensure that a person who exploits a child for sexual purposes in another country (the destination country) is prosecuted either in the country of origin or the destination country; strengthen laws and law enforcement including confiscation and seizure of assets and profits and other sanctions against those who commit sexual crimes against children in destination countries and share relevant data;

e) In the case of trafficking of children develop and implement national laws policies and programmes to protect children from being trafficking within or across border situations treat these children humanely under national immigration laws and establish readmission agreements to ensure their safe return to their countries of origin accompanied by supportive services and share relevant data;

f) Identify and strengthen or establish networks between national and international law enforcement authorities including INTERPOL and civil society to monitor against the commercial sexual exploitation of children set up special among law enforcement personal with adequate resources and child-friendly facilities to counter appoint liaison officers aimed at guaranteeing child rights in police investigations and judicial procedures for the exchanges of key information and train all law child rights in particular the convention on the Rights of the child other relevant human rights standards and national legislation;

g) Identify and encourage the establishment of national and international networks and coalitions among the civil society to protect children from commercial sexual exploitation foster action and interaction among communities families non-governmental organizations the business sector including tourist agencies the World Tourism Organization employers and trade unions computer and technology industry, the mass media professional association and service providers to monitor and report cases to the authorities and to adopt voluntary ethical codes of conduct; and
h) Create safe heavens for children escaping from commercial sexual exploitation and protect those who provide assistance to child victims of commercial sexual exploitation from intimidation and harassment.

5. Recovery and Reintegration:

a) Adopt a non-punitive approach to child victims of commercial sexual exploitation in keeping with the rights of the child, taking particular care that judicial procedures do not aggravate the trauma already experienced by the child and that the response of the system be coupled with legal aid assistance, where appropriate, and provision of judicial remedies to the child victims;

b) Provide social, medical, psychological counselling and other support to child victims of commercial sexual exploitation, and their families, paying particular attention to those with sexually transmitted diseases, including HIV/AIDS, and with a view to promoting the self-respect and right of the child;

c) Undertake gender-sensitive training of medical personnel, teachers, social workers, nongovernmental organizations and others working to help child victims of commercial sexual exploitation on child development and child rights, bearing in mind the Convention on the Right of the Child and other relevant human rights standards;

d) Take effective action to prevent and remove societal stigmatization of child victims and their children; facilitate the recovery and reintegration of child victims in communities and families; and where institutionalisation of the child is necessary, ensure that it is for the shortest possible period in accordance with the child’s best interests;

e) Promote alternative means of livelihood with adequate support services to child victims and their families so as to prevent further commercial sexual exploitation; and

f) Adopt not only legal sanctions against the perpetrators of sexual crimes against children, but also socio-medical and psychological measures to create behavioural changes on the part of the perpetrators.

6. Child Participation:

a) Promote the participation of children, including child victims, young people, their families, peers and other who are potential helpers of children so that they are able to express their views and to take action to prevent and protect children from commercial sexual exploitation and to assist child victims to be reintegrated society; and

b) Identify or establish and support networks of children and young people as advocates of child rights, and include children, according to their evolving capacity, in developing and implementing government and other programmes concerning them.

Annex -I

The Agenda for Action refers to many international instruments, recommendations and targets which have bearing on children and their families. They include the following:

• The 1930 ILO Convention No. 29 concerning forced or Compulsory Labour
• The 1948 Universal Declaration of Human Rights;
• The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the prostitution of Others.
The 1966 International Covenant on civil and Political Rights;

- The 1966 International Covenant on Economic, social and Cultural Rights;

- The 1973 ILO Convention No. 138 concerning Minimum Age for Admission to Employment;

- The 1979 Convention on the Elimination of All forms of Discrimination against Women;

- The 1989 Convention on the Right of the child;

- The 1990 World Declaration on the Survival, Protection and Development of children and its Plan of Action;


- The 1993 Vienna Declaration and Programme of Action of the World Conference on Human Rights;

- The 1993 United Nations Declaration on the Elimination of Violence against Women;

- The 1994 Cairo Declaration and Programme of Action of the world conference on Population and Development;

- The 1995 Copenhagen Declaration and Plan of Action of the World Summit on Social Development;

- The 1995 Beijing Declaration and Platform for Action of the Fourth World Conference on Women;


The Agenda for Action takes note of the recommendations of the Committee on the Rights of the Child and the Special Rapporteur on Sale of Children. It acknowledges the initiatives of many international and regional organizations, including INTERPOL, world Tourism Organization (in particular, the 1995 World Tourism Organization Statement on the Prevention of Organized Sex Tourism) and the Council of Europe (in particular, the 1991 Recommendation No. R91 11 concerning Sexual Exploitation, Pornography and Prostitution of, and Trafficking in, Children and Young Adults). It also recognizes the process of evolving a possible Optional Protocol on the sale of children, child prostitution and child pornography.
ANNEXURE – D

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Adopted and opened for signature, ratification and Accession by General Assembly resolution A/RES/54/263 of 25 May 2000

Not yet in force (see article 14)

The States Parties to the present Protocol,

Considering that, in order further to achieve the purpose of the convention on the Rights of the child and the implementation of its provisions especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that states parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,

Considering also that the convention on the Rights of the child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development,

Generally concerned at the significant and increasing international traffic in children for the purpose of the sale of children, child prostitution and child pornography,

Deeply concerned at the widespread and continuing practice of sex tourism to which children are especially vulnerable as it directly promotes the sale of children, child prostitution and child pornography,

Recognizing that a number of particular vulnerable groups including girl children are at greater risk of sexual exploitation and that girl children are disproportionately represented among the sexually exploited,

Concerned about the growing availability of child pornography on the Internet and other evolving technologies and recalling the International Conference on Combating child pornography on the Internet held in Vienna in 1999, in particular its conclusion calling for the worldwide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography and stressing the importance of closer cooperation and partnership between Government and the Internet industry,

Believing that the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach the contributing factors including Underdevelopment poverty, economic disparities, inequitable socio-economic structure, dysfunctioning families, lack of education, urban rural migration, gender discrimination, irresponsible adult sexual behavior, harmful traditional practices, armed conflicts and trafficking in children,

Believing also that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography and believing further in the importance of strengthening global partnership among all actors and of improving law enforcement at the national level,

Noting the provisions of international legal instruments relevant to the protection of children including the Hague Convention on the civil aspects of International child abduction, the Hague Convention on Jurisdiction, Applicable Law Recognition, Enforcement and cooperation in respect of parental
Responsibility and measures for the protection of children and International Labour Organization Convention No. 182 on the prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Encouraged by the overwhelming support for the convention on the Rights of the Child demonstrating the widespread commitment that exists for the promotion and protection of the rights of the child,

Recognizing the importance of the implementation of the provisions of the Programme of Action for the prevention of the sale of children, child prostitution and child pornography and the Declaration and Agenda for Action adopted at the World Congress against commercial sexual Exploitation of children, held in Stockholm from 27 to 31 August 1996 and the other relevant decisions and recommendations of pertinent international bodies,

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

Have agreed as follows:

Article 1

States parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present protocol.

Article 2

For the purposes of the present protocol:

(a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;

(b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;

(c) Child pornography means any representation by whatever means of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Article 3

1. Each State party shall ensure that as a minimum the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnational or on an individual or organized basis:

(a) In the context of sale of children as defined in article 2:

(i) Offering delivering or accepting by whatever means a child for the purpose of:

a. Sexual exploitation of the child;

b. Transfer of organs of the child for profit;

c. Engagement of the child in forced labour;
(ii) Improperly inducing consent as an intermediary for the adoption of a child in violation of applicable international legal instruments on adoption;

(b) Offering obtaining procuring or providing a child for child prostitution as defined in article 2;

(c) Producing distribution, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.

2. Subject to the provisions of its national law each state party; the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts.

3. Each State party shall make such offences punishable by appropriate penalties that take into account their grave nature.

4. Subject to the provisions of its national law each state party shall take measures where appropriate to establish the liability of legal persons for offences established in paragraph 1 of the present article subject to the legal principles of the State Party, such liability of legal persons may be criminal, civil or administrative.

5. States parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

Article 4

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:

   (a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;

   (b) When the victim is a national of that State.

3. Each State party shall also take such measures as may be necessary to establish its jurisdiction over the aforementioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State party on the ground that the offence has been committed by one of its nationals.

4. The present protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 5

1. The offences referred to in article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between States parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between in accordance with the conditions set forth in such treaties.
2. If a State party that do not make extradition conditional on the existence of a treaty receives a request for extradition from another state party with which it has no extradition treaty, it may consider the present protocol to be a legal basis for extradition in respect of such offences. Extradition shall be subjected to the conditions provided by the law of the requested State.

3. State parties that do not make extradition conditional on the existence of a treaty shall recognize such offence as extraditable offences between themselves subjected to the condition provided by the law of the requested State.

4. Such offences shall be treated for the purpose of extradition between state parties, as if they has been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4.

5. If an extradition request is made with respect to an offence described in article 3, paragraph 1, and the requested state party does not or will not extradite on the basis of the nationality of the offender, that state shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

**Article 6**

1. States parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States parties shall afford one another assistance in accordance with their domestic law.

**Article 7**

States parties shall subject to the provisions of their national law:

(a) Take measures to provide for the seizure and confiscation, as appropriate, of:

(i) Goods, such as materials assets and other instrumentalities used to commit or facilitate offences under the present protocol;

(ii) Proceeds derived from such offences;

(b) Execute requests from another state party for seizure or confiscation of goods or proceeds referred to in subparagraph (a) (i) and (ii);

(c) Take measures aimed at closing on a temporary or definitive basis premises used to commit such offences.

**Article 8**

1. States parties shall adopt appropriate measures to protect the rights and interest of child victims of the practices prohibited under the present protocol at all stages of the criminal justice process, in particular by:
(a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;

(b) Informing child victims of their rights, their role and the scope, timing and progress of the proceeding and of the disposition of their cases;

(c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;

(d) Providing appropriate support services to child victims throughout the legal process;

(e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;

(f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

2. States parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.

3. States parties shall ensure that in the treatment by the criminal justice system of children who are victims of the offences described in the present protocol, the best interest of the child shall be a primary consideration.

4. States parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present protocol.

5. States parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and rehabilitation of victims of such offences.

6. Nothing in the present article shall be construed to be prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

Article 9

1. States parties shall adopt or strengthen, implement and disseminate laws, and administrative measures, social policies and programmes to prevent the offences referred to in the present protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.

2. States parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present protocol. In fulfilling their obligations under this article, States parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.

3. States parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.
4. States parties shall ensure that all child victims of the offences described in the present protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

5. States parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present protocol.

**Article 10**

1. States parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of child prostitution, child pornography and child sex tourism. States parties shall also promote international cooperation and coordination between their authorities, national and international non-government organizations and international organizations.

2. States parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.

3. States parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, and child pornography and child sex tourism.

4. States parties in a position to do so shall provide financial, technical or other assistance though existing multilateral, regional, bilateral or other programmes.

**Article 11**

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

(a) The law of a States party;

(b) International law in force for that states.

**Article 12**

1. Each States Party shall, within two years following the entry into force of the present protocol for that States Party, submit a report to the Committee on the Rights of the child providing comprehensive information on the measures it has taken to implement the provisions of the protocol.

2. Following the submission of the comprehensive report. Each States Party shall include in the reports they submit to the committee on the rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the present protocol. Other states parties to the protocol shall submit a report every five years.

3. The committee on the Rights of the child may request from States parties further information relevant to the implementation of the present protocol.

**Article 13**

1. The present protocol is open for signature by any States that is a party to the Convention or has signed it.

2. The present protocol is subject to ratification and is open to accession by States that is a party to the
Convention or has signed it. Instruments of ratification or accession shall be development with the Secretary-General of the United Nations.

Article 14

1. The present protocol shall enter into force months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol of accession to its entry into force, the protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 15

1. Any States party may denounce the present protocol at any time by written notification to the Secretary-General of the United Nations, Who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any offence that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

Article 16

1. Any State Party may progress an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

Article 17

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equality authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.
I. Our Follow-up:

1. We, representative from governments, intergovernmental organization, non-governmental organization, the private sector, and members of civil society from around the world have gathered together in Yokohama, Japan, at the Second World Congress against Commercial Sexual Exploitation of Children (17-20 December 2001) ("The Yokohama Congress"). Five years after the First World Congress against Commercial Sexual Exploitation of Children held in Stockholm, Sweden in 1996, we have reviewed developments as a follow-up process to strengthen our commitment to protect children from sexual exploitation and sexual abuse.

2. We reaffirm as our primary considerations the protection and promotion of the interests and rights of the child to be protected from all forms of sexual exploitation and we welcome the following developments visible in a number of countries since the First World Congress:

♦ the greater emphasis on the rights of the child and the call for more effective implementation of the Convention on the Rights of the child by State Parties to create an environment where children are able to enjoy their rights;

♦ the increasing mobilization of governments local authorities and the non-governmental sector as well as the international community to promote and protect the rights of the child and to empower children and their families to safeguard their future;

♦ the adoption of multi-faceted inter disciplinary measures including policies laws programmes mechanisms resources and dissemination of the rights of the child , to ensure that children are able to grow up in safety and dignity;

♦ enhanced actions against child prostitution child pornography and trafficking of children for sexual purposes including national and international agendas strategies or plants of action to protect children from sexual exploitation including provisions with extra-territorial effect;

♦ the promotion of more effective implementation/enforcement of policies laws and gender sensitive programmes to prevent and address the phenomenon of sexual exploitation of children including information campaigns to raise awareness better educational access for children, social supporter measures for families and children to counter poverty action against criminality and the demand for sexual exploitation of children, and prosecution of those who exploit children;

♦ the provision of child-sensitive facilities such as telephone helplines shelters and judicial and administrative procedures to prevent violation of the rights of the child and to provide effective remedies;

♦ the comprehensive systematic and sustained involvement of the private sector, such as worker and employers organization members of the travel and tourism industry the communications industry, including internet service providers and other business in enhancing child protection including their adoption and implementation of corporate policies and codes of conduct to protect children from sexual exploitation;

♦ greater participation by children and young people in promoting and protecting their rights notably through young people's network and forums and the involvement of young people as peer communicators and counselors;

♦ the development of international and regional standards to protect children from sexual
exploitation through new instruments including the following: the protocol to prevent suppress and punish Trafficking in persons especially women and children supplementing the United Nations Convention against Transnational Organized Crime (2000); and the convention on Cybercrime (2001), while noting relevant provisions of the Rome Statute of the International Criminal Court (1998);

- the entry into force of the International Labour Organization (ILO)'s convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (complemented by ILO recommendation No. 190) on 19 November 2000 and the Optional Protocol to the convention on the Rights of the child on the sale of children child prostitution and child pornography on 18 January 2002;

- the progress made in the preparation for the forthcoming special session of the General Assembly on children including its outcome document;

- the emergence of a broader partnership among and between local and national governments international organizations non-governmental organization, communities and other key actors and closer linkage between the United Nations and other monitoring mechanisms on the issue especially the Committee on the Rights of the Child and the Special Rapporteur on the sale of children child prostitution and child pornography of the commission on Human Rights under the United Nations Commission on Human Rights.

3. We take into accounts with appreciation the regional consultation held in Bangkok, Thailand Rabat Morocco; Hungary and Philadelphia, United States of America; and various national seminars leading up to the Yokohama Congress and related activities including those with young people's participation and their conclusions and recommendations enriching the content of our follow up action and we encourage their effective implementation by governments that have participated in them in partnership with all stakeholders including non-governmental organizations intergovernmental organizations and young people;

4. We recognize that more needs to be done to protect children globally and express our concerns at the delays in the adoption of needed measures in various parts of the World.

Our Global Commitment:

5. We have come together to:

reiterate the importance and the call for more effective implementation of the Convention on the Rights of the child by State parties and related instruments and underline our belief in the rights of children to be protected from commercial sexual exploitation in the form of child prostitution child pornography and trafficking of children for sexual purpose;

encourage early ratification of the relevant international instruments in particular, ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the Optional Protocol to the Convention on the Rights of the child on the sale of children, child prostitution ad child pornography;

reaffirm our commitment to build a culture of respect for all persons based upon the principle of non-discrimination and to eliminate commercial sexual exploitation of children in particular by sharing the lessons learnt since the First World Congress and by improving cooperation in this regard;

recommit to the Declaration and Agenda for Action of the First World Congress ("The Stockholm Declaration and Agenda for Action"), and in particular to developing national agendas strategies or plans of action, designated focal points and comprehensive gender-disaggregated data collection and effective implementation of measures including child-rights based and law enforcement;

reinforce our efforts against commercial sexual exploitation of children in particular by
addressing root causes that put children at risk of exploitation such as poverty inequality discrimination persecution violence armed conflicts. HIV/AIDS, dysfunctioning families the demand factor criminality and violations of the rights of the child through comprehensive measures including child through comprehensive measures including improved educational access raising physical and psychological sexual exploitation of children in all its forms and in accordance with the relevant international instruments while not criminalizing or penalizing the child victims;

emphasize that the way forward is to promote closer networking among key actors to combat the commercial sexual exploitation of children at the international inter-regional regional/ sub-regional bilateral national and local levels in particular among communities and the judicial immigration and police authorities as well as through initiatives interlinking the young people themselves;

ensure adequate resource allocation to counter commercial sexual exploitation of children and to promote education and information to protect children from sexual exploitation including educational and training programmes in the rights of the child addressed to children parents, law enforcers service providers and other key actors;

reiterate that an essential way of sustaining global action is through regional/ sub-regional and national agendas strategies or plans of action that build on regional/ sub-regional and national monitoring mechanisms and through strengthening and reviewing existing international mechanisms with a monitoring process to improve their effectiveness as well as the follow-up of their recommendations and to identify any reforms that may be required;

take adequate measures to address negative aspects of new technologies in particular child pornography on the internet while recognizing the potential of new technologies for the protection of children from the commercial sexual exploitation through dissemination and exchange of information and networking among partners;

reaffirm the importance of the family and strengthen social protection of children young people and families through awareness-raising campaigns and community-based surveillance/ monitoring of commercial sexual exploitation of children;

commit ourselves to promoting cooperation at all levels and to combining efforts to eliminate all forms of sexual exploitation and sexual abuse of children worldwide;

declare that the sexual exploitation of children must not be tolerated and pledge to act accordingly.

Appendix: Explanatory Statements

The following documents were submitted to the Chair at the conclusion of the Second World Congress against Commercial Sexual Exploitation of Children.

European countries: Explanatory declaration on the Yokohama Global Commitment

The European Countries as well as countries meeting together in Yokohama, consider that the protection of the child is a major challenge of civilization based on the responsibility of adults concerning young generations and the values on which they will build the mankind of future.
Through this explanatory declaration and referring to the Commitment and plan of Action adopted on 21 November 2001 in Budapest and to the Recommendation (2001) 16 of the council of Europe concerning the protection of children against sexual exploitation adopted on 31 October 2001, the European Countries reaffirm their attachment to the following principles:

1. The fight against sexual exploitation is extended to all forms of sexual violence and sexual abuse.

2. The protection of the child includes all boys and girls up to the age of 18 in all countries.

3. The noticeable commitment of some countries to the prosecution of those who sexually exploit children the broadening of criminal offences to the various forms of sexual exploitation of children including its international and transnational aspects by establishing extra-territorial responsibility and recognizing the relationship between organized crime and forms of sexual exploitation of children.

4. The actions concerning the protection of the child need to be conducted in close cooperation with civil society.

5. The fight against poverty as well as the improvement of health and education of children must be a major priority.

The European countries request that the Heads and representatives of State and Governments who will meet next may on the occasion of the United Nations Special Session on Children, take into account the will to act and progress as expressed during the 2nd World Congress in Yokohama. They accede and fully implement the United Nations Convention on the rights of the Child and its second optional protocol on the sale of children, child prostitution and child pornography.

**The United States of America**

The United States is placed to join the consensus on the Yokohama outcome document for the 2nd World congress on the Commercial sexual Exploitation of children. We would again like to thank particularly the Government of Japan for hosting and co-sponsoring this extraordinary event.

This conference has provided an important opportunity to review the actions the world has taken since Stockholm and to recommit ourselves to national and international actions to eliminate the commercial sexual exploitation of children.

One important area that we would like to highlight concerns the increased protections provided to children under the optional Protocol to the Convention on the Rights of the child on the sale of children, child prostitution and child pornography, and ILO convention No. 182 on the Worst Forms of child labour. The sale of children protocol unlike the convention itself requires that states party criminalize all activities relating to prostitution and pornography with children under the age of 18, without reference to state law or the age of sexual consent. ILO 182 further requires that States Party “take effective and time bound measures to ensure access to free basic education and wherever possible appropriate Vocational training for all children removed from the worst forms of child labor” which includes child prostitution and child pornography.

The United States believes the Optional Protocol and ILO 182 provide a clear starting point for international action concerning the elimination of commercial sexual exploitation of children. The United States was one of the first countries to ratify ILO convention 182 in December of 1999. Moreover the Bush Administration has turned its immediate attention to ratification of the Optional protocol.
Islamic Republic of Iran

In the name of God, the Compassionate the Merciful

The delegation of the Islamic Republic of Iran to the 2nd World Congress against commercial sexual exploitation of children would like to state the following remarks as its position regarding the final documents of the congress, entitled “The Yokohama Global Commitment 2001”.

The Islamic Republic of Iran considers the above mentioned documents as an important and valuable initiative designed to further contribute to combat the evil phenomenon of commercial sexual exploitation of children. The Yokohama documents while referring to the progress made since the first World Congress, provides for further and strengthened commitments on the part of all stakeholders, in particular the governments and non-governmental organizations for the years ahead. Nevertheless in the view of the Islamic Republic of Iran, such a significant document needed to be negotiated in a more transparent and participatory manner as any document of international character and universal value.

Moreover the Islamic republic of Iran rejects the concept of extraterritoriality, wherever appears in the above-said document as being too broad and inconsistent with international law. In this context Iran that laws and policies of all countries in combating the crime of commercial sexual exploitation should be fully respected and should by no means be substituted by the application of extraterritorial laws and measures.

The Islamic Republic of Iran is also of view that in order to reinforce the efforts against commercial sexual exploitation of children all actions must be taken to criminalize and the status of child victims should be given due consideration.

The Iranian delegation require the Secretariat of the 2nd World Congress to include the aforesaid remarks to the final report of the congress as the position of the Government of the Islamic Republic of Iran.

Republic of India

The Yokohama Global Commitment 2001 : Written Statement by Republic of India

India endorses the Yokohama Global Commitment 2001 which presents a coherent and vibrant framework for action at national regional and international levels to eradicate commercial sexual exploitation of children (CSEC). As suggested by the countries of the South Asia region, at regional consultations in Dhaka (4-6 November 2001) it is desirable to set up international and regional mechanisms to continually take stock of the progress in the fight against CSEC.

The crime of CSEC respects no national boundaries. It is imperative that States Cooperate in bringing the offenders to justice. It is our understanding that the reference to extra-territorial criminal laws in the Stockholm Declaration [Para 3(e)] and the Yokohama Global Commitment [Para 2 Bullet No. 4] is intended to ensure that the offender is tried in the country in whose jurisdiction the offence is committed; if he cannot be so tried by virtue of his being not present in that country and his being not extradited for facing trial he is tried in the country of which he is a national or in the country of which he is a habitual resident or in the country where he is present . the cardinal principle is that the offered does not go scot-free . We also note that this intention is reflected in the Optional protocol to the convention on the Rights of the child on the sale of children, child prostitution and child pornography.

It is necessary to develop international principles norms and procedures so as to avoid overlapping jurisdictions. It is also desirable to develop frameworks for enhanced regional and international mutual assistance for investigation and criminal proceedings regarding “extra
territorial CSEC offenders. To this end, we hope mechanisms would soon fall in place and further consultations are organized.

**Arab and African States Participating in the Conferences**

To include in the appendix reference to the following documents


The Arab common position document adopted by the Arab high-level conference of the League of Arab States, Cairo 2-4 July 2001.

This proposal is submitted on behalf of Arab and African states participating in the conferences.

On their the delegation of Egypt, Head of Delegation Ambassador Moushira Khattab. *Similar* proposals were submitted in handwriting by a number of delegations including Saudi Arabia, Qatar Sudan.

**Annex**

Regional Commitment Action plan of the East Asia and Pacific region against commercial sexual Exploitation of children adopted at the East Asia and the Pacific Regional Consultation for the second World congress against Commercial sexual Exploitation of children held in Bangkok, 16-18 October 2001.


Such Asia strategy adopted at the South Asia Exploitation for the 2nd World Congress against Commercial sexual Exploitation of children held in Dhaka 4-6 November 2001.

*Commitment to a strategy against commercial sexual exploitation and other forms of sexual violence against children and adolescents in the Latin American-Caribbean Region, adopted at the Anti-American congress against sexual Exploitation of children held in Montevideo 7-9 November 2001*

Commitment and plan of Action for protection of children from sexual Exploitation in Europe and Central Asia adopted at the conference on protection of children against sexual exploitation held in Budapest 20-21 November 2001.