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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid**

Addendum

Communications to and from Governments\*

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\* The present report is circulated as received.

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## I. Introduction

1. This addendum to the report of the Special Rapporteur on the sale of children, child prostitution and child pornography contains, on a country-by-country basis, summaries of individual cases and general situations transmitted to Governments between 16 June 2009 and 23 November 2010, as well as replies received between 16 June 2009 and 23 January 2011.
2. The Special Rapporteur recalls that in transmitting communications, she does not make any judgment concerning the merits of the cases.
3. During the period under review, the Special Rapporteur transmitted ten communications to the Governments of nine countries: Bangladesh, India, Kazakhstan, Mexico, Nepal, Pakistan, United Arab Emirates, United States of America and Uzbekistan. Five responses to these communications were received. Eight of the communications were sent jointly with other Special Procedures mandate holders, including the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences.
4. The Special Rapporteur regrets that some Governments failed to respond and thanks those which took the time and made the effort to provide replies, which are reflected and summarized in the present report.
5. For reasons of confidentiality, privacy and protection, the names of victims appear only in initials in this report. The Special Rapporteur has also used initials for certain other persons concerned in order to minimise the risk of possible further victimization. Moreover, with a view to preserve the presumption of innocence, only initials are used for the names of alleged perpetrators.
6. This report contains individual cases and general situations related to the mandate of the Special Rapporteur, including allegations related to the sale of children, trafficking of children for sexual exploitation, child pornography, and other forms of child sexual exploitation.
7. In framing her interventions in these cases, the Special Rapporteur is guided by the legal framework and principles set out in the Convention on the rights of the child, and in its Optional Protocol on the sale of children, child prostitution and child pornography. She frequently cites articles 19, 34 and 35 of the Convention on the rights of child. Article 19 provides that States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Article 34 provides that states Parties must undertake to protect the child from all forms of sexual exploitation and abuse, and article 35 of the Convention on the rights of the child, which provides that 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.
8. She also frequently cites articles 2 and 3 of the Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography, which, respectively, define the concepts covered under the treaty, and impose the obligation on States Parties to criminalize or penalize these activities. Furthermore, she is guided by article 9 of the Optional Protocol to the Convention on the rights of the child on the sale of

children, child prostitution and child pornography, regarding preventive measures and the obligation of States to ensure access to procedures for compensation for damages suffered.

## **II. Summary of communications on alleged human rights violations sent and responses received**

9. The following table sets out the overview of the communications sent by the Special Rapporteur during the period under review:

| <i>Date</i> | <i>Country</i>           | <i>Type of Comm</i> | <i>Individuals concerned</i>   | <i>Alleged violations/Human rights issues</i>   | <i>Government Reply</i> | <i>Date of Government response</i> | <i>Paragraphs</i> |
|-------------|--------------------------|---------------------|--|---|-------------------------|------------------------------------|-------------------|
| 30.09.2009  | Mexico                   | JUA                 | Children of Mexican nationality, J.C.C.B., A.G.C.B., and D.L.B.H., I.M. C.M.J.A. and the brothers A.I. J.O., N.I.J.O. and H.M.J.O. | Trafficking, sale and enforced disappearance of children  | No                      | -                                  | 49–62             |
| 20.10.2009  | Kazakhstan               | JUA                 | Boys of Uzbek nationality, including B.I.  | Sale and trafficking of children for the purpose of labour exploitation.  | Yes                     | 20.12.2009                         | 32–48             |
| 20.10.2009  | Uzbekistan               | JUA                 | Boys of Uzbek nationality, including B.I.  | Sale and trafficking of children for the purpose of labour exploitation   | Yes                     | 25.11.2009                         | 94–109            |
| 14.01.2010  | United States of America | AL                  | A-L.M.A.K-P., who is reportedly suffering physical and sexual abuse, neglect and possible exploitation in pornography              | Use of child in pornography   | Yes                     | 03.03.2010                         | 86–93             |
| 09.02.2010  | Pakistan                 | JAL                 | 988 Pakistani child camel jockeys trafficked to the UAE  | Failure to provide compensation to the former child camel jockeys trafficked to UAE   | No                      | -                                  | 70–78             |
| 09.02.2010  | United Arab Emirates     | JAL                 | 988 Pakistani child camel jockeys trafficked to the UAE  | Failure to provide compensation to the former child camel jockeys trafficked to the UAE   | No                      | -                                  | 79–85             |
| 08.04.2010  | India                    | JUA                 | A.S. and human rights defenders working in an NGO working on issues of forced prostitution   | Intimidation and threats against individuals related to legitimate activities in defense of human rights, in particular the fight against the sexual exploitation of women and children | Yes                     | 13.12.2010                         | 24–31             |
| 15.10.2010  | India                    | JAL                 | Approximately 70,000 child bonded labourers  | Trafficking, sale of children, use of children in bonded labour   | No                      |                                    | 17–23             |
| 15.10.2010  | Nepal                    | JAL                 | Approximately 70,000 child bonded labourers  | Trafficking, sale of children, use of children in bonded labour   | No                      |                                    | 63–69             |
| 15.10.2010  | Bangladesh               | JAL                 | Approximately 70,000 child bonded labourers  | Trafficking, sale of children, use of children in bonded labour   | Yes                     | 29.10.10                           | 10–16             |

## **A. Bangladesh**

### **1. Communication of 15 October 2010**

10. On 15 October 2010, the Special Rapporteur, together with the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on contemporary forms of slavery and the Special Rapporteur on the human rights of migrants sent a letter of allegation regarding information received concerning an estimated 70,000 child bonded labourers who worked in the so-called « rat mines » of Jaintia Hills, which is located in the North Eastern State of Meghalaya, India.

11. According to information received, an estimated 70,000 bonded child labourers from Nepal and Bangladesh worked at the so-called “rat mines” of Jaintia Hills, Meghalaya State, India. The mines are reportedly known as such, because of the narrow and crude holes dug into the hills where only children can pass. It is estimated that about 40,000 children from Bangladesh and 30,000 children from Nepal worked at the mines. In most cases, the children are allegedly purchased by middlemen or abducted or sold by gangs in Nepal and Bangladesh to the mining mafia in Meghalaya. The children were allegedly sent to the mines after their parents accepted money from middlemen engaged in child trafficking. The price for a child varies from 50 to 75 US dollars. It is claimed that everyday, trucks transporting coal to Bangladesh returned with children, who are lured into the mining industry with the promise of better wages and living conditions. The children were in debt bondage situations, as they are not paid for their work in some cases so that they repay with their labour the price for which they were bought. In other cases, the children were given half wage compared to adults, which left them with very little money to survive on as expenses for their good are deducted from their wages.

12. The working conditions at the mines were allegedly hazardous, unhygienic, cruel and inhuman. The children were threatened not to disclose their identity to anyone they meet and they have no freedom to move from the premises of the mines. The working hours were long and the children have no rest from the day break to the nightfall. They had no means to communicate with the outside world, let alone their families. The children are not provided with any safety equipment and are only given shovels or pickaxes to extract coal or limestone. Further, it appears that deaths of children were common due to the unsafe working conditions at Jaintia Hills and often remain unreported. According to the information received, human skeletons were recovered beneath a pile of coal in the mine in Jaintia Hills and it has been verified that they were the remains of children who lost their lives due to suffocation in the mine shafts or in other accidents during the mining operations.

13. The information received also suggests that the children lived in very poor conditions. They reportedly lived in huts made with plastic sheets and there are no proper sanitary facilities. There was a lack of safe drinking water and proper sewage system. Although many people fell ill due to the poor living conditions, there were no medical facilities available near the mines.

14. It is alleged that girls were also often bought by the owners of the “rat mines” and subject to sexual exploitation. They were exploited not only by mine owners, but also managers, other older workers and even truck drivers. There is also information suggesting that some children were trafficked further from the mines to the cities for sexual exploitation.

15. The Special Rapporteurs sought a verification of the allegations from the Government, including details of actions or investigations undertaken to identify the Bangladeshi children working at the “rat mines” and to verify their working conditions;

investigations carried out in relation to individuals who are implicated in trafficking or selling the Bangladeshi children to the “rat mines” and keeping them in bonded labour; information on policies and the preventive and awareness-raising measures undertaken to prevent human trafficking, sale of children and sexual exploitation of children in Bangladesh; information on whether the victims or the families of the victims have access to adequate procedures of compensation for damages from those legally responsible for the trafficking in children, the sale of children, sexual exploitation of children, and the use of bonded labour; and details on any cooperation arrangements with the Indian authorities to facilitate the rapid identification of the Bangladeshi children working at the “rat mines”.

## **2. Response and observations**

16. On 29 October 2010, the Government responded that the contents of the communication had been duly noted and forwarded to the concerned authorities in Bangladesh for necessary inquiry and actions. Since then, the Special Rapporteur has not received a follow-up response, and invites the Government of Bangladesh to keep her informed of developments regarding these allegations.

## **B. India**

### **1. Communication of 15 October 2010**

17. On 15 October 2010, the Special Rapporteur, together with the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on contemporary forms of slavery and the Special Rapporteur on the human rights of migrants sent a letter of allegation regarding information received concerning an estimated 70,000 child bonded labourers who worked in the so-called « rat mines » of Jaintia Hills, which is located in the North Eastern State of Meghalaya, India.

18. According to information received, an estimated 70,000 bonded child labourers from Nepal and Bangladesh worked at the so-called “rat mines” of Jaintia Hills, Meghalaya State, India. The mines are reportedly known as such, because of the narrow and crude holes dug into the hills where only children can pass. It is estimated that about 40,000 children from Bangladesh and 30,000 children from Nepal worked at the mines. In most cases, the children were allegedly purchased by middlemen or abducted or sold by gangs in Nepal and Bangladesh to the mining mafia in Meghalaya. The children were allegedly sent to the mines after their parents accepted money from middlemen engaged in child trafficking. The price for a child varies from 50 to 75 US dollars. It is claimed that everyday, trucks transporting coal to Bangladesh returned with children, who were lured into the mining industry with the promise of better wages and living conditions. The children were in debt bondage situations, as they were not paid for their work in some cases so that they repay with their labour the price for which they were bought. In other cases, the children were given half wage compared to adults, which left them with very little money to survive on as expenses for their good were deducted from their wages.

19. The working conditions at the mines were allegedly hazardous, unhygienic, cruel and inhuman. The children were threatened not to disclose their identity to anyone they met and they had no freedom to move from the premises of the mines. The working hours were long and the children had no rest from the day break to the nightfall. They had no means to communicate with the outside world, let alone their families. The children were not provided with any safety equipment and were only given shovels or pickaxes to extract coal or limestone. Further, it appears that deaths of children were common due to the unsafe working conditions at Jaintia Hills and often remained unreported. According to the information received, human skeletons were recovered beneath a pile of coal in the mine in Jaintia Hills and it had been verified that they were the remains of children who lost their

lives due to suffocation in the mine shafts or in other accidents during the mining operations.

20. The information received also suggests that the children live in very poor conditions. They reportedly live in huts made with plastic sheets and there are no proper sanitary facilities. There is a lack of safe drinking water and proper sewage system. Although many people fall ill due to the poor living conditions, there are no medical facilities available near the mines.

21. It is alleged that girls were also often bought by the owners of the “rat mines” and subject to sexual exploitation. They were exploited not only by mine owners, but also managers, other older workers and even truck drivers. There is also information suggesting that some children were trafficked further from the mines to the cities for sexual exploitation.

22. The Special Rapporteurs sought a verification of the facts from the Government, including details of actions or investigations undertaken to identify the children working at the “rat mines” and to verify their working conditions; investigations carried out in relation to individuals who are implicated in trafficking or selling the children to the “rat mines” and keeping them in bonded labour; information on whether the Government of Meghalaya has fully considered the use of child labour at the “rat mines” in drafting mining policies; information on policies and the preventive and awareness-raising measures undertaken to combat human trafficking, sale of children and sexual exploitation of children in India; information on whether the victims or the families of the victims have access to adequate procedures of compensation for damages from those legally responsible for the trafficking in children, the sale of children, sexual exploitation of children, and the use of bonded labour; and details on any cooperation arrangements with the Nepalese or Bangladeshi authorities to facilitate the rapid identification of the children working at the “rat mines”.

## **2. Observations**

23. The Special Rapporteur regrets not having received a reply from the Government of India to her letter of 15 October 2010, and invites the Government to provide her with information regarding the allegations set out in her letter.

## **3. Communication of 8 April 2010**

24. On 8 April 2010, the Special Rapporteur, together with the Special Rapporteur on the situation of human rights defenders, sent an urgent appeal regarding acts of intimidation and threats against Mr. A.S. and members of an NGO. A.S. is a prominent human rights defender and the president of the NGO, which works on issues of forced prostitution and trafficking in Uttar Pradesh. A.S. is also the member of the Central Advisory Committee on Combating Child Prostitution and Trafficking of Women and Children of the Government of India and of the State Monitoring Committee for the abolition of child prostitution and the exploitation of women. Guria has been running a tuition centre for 16 years in the Panchayat Bhawan community centre in Shivdaspur, Uttar Pradesh.

25. According to the information received, on 25 March 2010, at approximately 4pm, a group of individuals entered the tuition centre run by the NGO in Shivdaspur, verbally abused staff present at the premises and threatened to kill them. They also threatened the NGO staff members that “they would break the arms and legs of anyone who attempted to continue teaching the children there”. They have also told staff members to warn A.S. not to enter the area or he will face dire consequences. The assailants subsequently locked the premises of the tuition centre making it inaccessible for evening classes. On 29 March 2010, at approximately 1pm, staff members of the NGO discovered that the door of the centre had been broken down, leaving the centre unprotected. On 5 April 2010, a group of



individuals again entered the centre while the evening tuition was ongoing, ransacked the centre, beat staff members and tore their clothes. The incidents were reported to the Manduadih police station and to the Deputy Inspector General of the police in Varanasi.

26. Concern is expressed that the intimidation of and threats against A.S. and other staff members of the NGO may be related to their legitimate activities in defense of human rights, in particular in fighting against the sexual exploitation of women and children in Uttar Pradesh.

27. The Special Rapporteur sought a verification of the allegations from the Government, including details of any investigation, judicial or other inquiries carried out in relation to the case and details of any prosecutions which have been undertaken, and any sanctions which may have been imposed on the alleged perpetrators.

#### 4. Response and observations

28. The Special Rapporteur thanks the Government of India for its response of 13 December 2010, in which it informed that it had examined the complaint and found that the matter actually pertained to a property dispute which was later resolved amicably on 19 April 2010.

#### 5. Responses of the Government to previous communications

29. By letter dated 14 July 2009, the Government of India replied to the communication sent by the Special Rapporteur on 21 January 2009<sup>1</sup> regarding the case of a 16 year-old who was allegedly kidnapped, abused and sold to a brothel to work as prostitute and that despite her repeated complaints following her escape two years later, no police investigation has been undertaken. In response, the Government stated that the matter was investigated in March 2007 and a charge sheet was produced in the court in June 2007. Upon the return of L in June 2008, the matter was investigated and the victim's testimony against A.B. was recorded and filed in the court. According to the Government, the matter was *sub judice* and a petition to obtain non-bailable warrants against the accused was under the consideration at the time of the reply.

30. By letter dated 4 June 2010, the Government of India replied to the communication sent by the Special Rapporteur on 21 January 2009<sup>2</sup> regarding the case of a 15-year-old girl who was allegedly kidnapped and trafficked into sexual exploitation. In response, the Government stated that the subject was rescued following a raid carried out jointly by the police and members of a local NGO on 30 August 2008 and handed over to her parents following a medical examination. Owing to the subject's background, the charge-sheet against the accused was strengthened by adding charges under the relevant sections of the SC/ST Act and the charge-sheet filed in the court on 23 October 2008. The auto-rickshaw driver G, too was arrested on 10 October 2008 and sent to jail. The matter is currently *sub-judice*.

#### 6. Observations

31. The Special Rapporteur remains interested in receiving further information about these two cases, including the outcome of the trial which was proceeding at the time of the reply.

<sup>1</sup> A summary of the letter dated 21 January 2009 sent by the Special Rapporteur is reflected in A/HRC/12/23/Add.3, paras. 40-49.

<sup>2</sup> A summary of the letter dated 21 January 2009 sent by the Special Rapporteur is reflected in A/HRC/12/23/Add.3, paras. 40-49.

## **C. Kazakhstan**

### **1. Communication of 20 October 2009**

32. By letter dated 20 October 2009, the Special Rapporteur, jointly with Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on the human rights of migrants, and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, sent an urgent appeal to the Government of Kazakhstan concerning an Uzbek boy who was trafficked to Kazakhstan to work in a forced labour situation and whose whereabouts were unknown.

33. According to the information received, B.I., aged 17, is a resident of the Khiva town of the Khorezm region, Uzbekistan. In May 2008, B.I. and four young Uzbek men were recruited by B.B., a citizen of Uzbekistan aged 56, to travel to Kazakhstan as labor migrants. B.B. promised them and their parents that he would take care of their employment in Kazakhstan. He also assured them that being the oldest in the group, he would look after the young men during their stay in Kazakhstan.

34. Upon their arrival in Kazakhstan, the young men were taken to a house of N.M., located in Zhalagash aul, Kizil-Ordinski oblast. B.B. received \$5,000 from N.M. in exchange of the young men and handed over their passports to N.M. before he disappeared. The young men were forced to carry out a variety of work in N.M.'s house, including construction work. They were forced to work under harsh conditions and without appropriate food and compensation. Approximately two months after the young men left for Kazakhstan, B.B. appeared in Khiva. B.I.'s mother went to see B.B. to ask how her son was. B.B. assured the mother that all the young men were well and that they would soon be sending money they earned in Kazakhstan. However, B.I.'s mother never heard from her son, as all the young men were not given any opportunity to contact their families in Uzbekistan. The young men except B.I. eventually managed to escape the house and return to Khiva.

35. In December 2008, B.I.'s mother lodged an appeal to the Department of Internal Affairs in the Khiva district and to the Embassy of the Republic of Kazakhstan in Uzbekistan to search for her son. However, she did not receive any responses from the authorities. Concerned for her son's safety and desperate to find him, she travelled to N.M.'s house in Zhalagash aul, Kizil-Ordinski oblast on 12 June 2009. When she arrived at N.M.'s house, he shouted at her in the Kazakh language, throwing the passports of the young Uzbek men who were forced to work in his house. He told her that B.I. was taken by a Police Major from Shimkent city in Yuzhno-Kazakhstanskaya oblast.

36. The Special Rapporteurs asked the Government to verify the accuracy of the facts alleged in the summary. They also requested the Government to provide the full details of any actions or measures undertaken to identify the whereabouts of B.I. and to ensure his safety and protection. They further asked whether complaints were lodged by or on behalf of the alleged victims against N.M.

37. The Special Rapporteurs also requested the Government to provide the details of any actions taken against N.M. in his alleged involvement in the crime of trafficking as well as the details of any actions taken to ascertain the identity of the Police Major and his role in the trafficking and disappearance of B.I., and in particular whether B.I. was being held in captivity by him.

38. Furthermore, the Special Rapporteurs requested the Government to provide the details, and where available the results, of any other investigation, judicial or other inquiries which may have been carried out in relation to this case. They also requested information on the details of any measures or actions undertaken by the Embassy of the Republic of Kazakhstan in Uzbekistan in response to the appeal submitted by B.I.'s mother and whether

the victims or the families of the victims had access to adequate procedures of compensation for damages from those legally responsible.

39. The Special Rapporteurs asked for information on the current policies and the preventive and awareness raising measures taken to tackle the issue of human trafficking in Zhalagash aul, Kizil-Ordinski oblast, Kazakhstan. They also asked information on whether law enforcement agencies, especially the Police, Immigration, Border Guards and Labour Inspectors, had received appropriate training on identification of victims of trafficking and protection of their human rights. Finally, the Special Rapporteurs requested the Government to provide statistical information on prosecution of cases of trafficking in court, including the number of cases in which conviction was secured.

## **2. Response**

40. On 20 December 2009, the Government replied to the communication sent on 20 October 2009, highlighting that the internal affairs organs of the Republic of Kazakhstan were conducting investigations in order to ascertain the facts regarding the economic exploitation of a citizen of the Republic of Uzbekistan by N.M., a citizen of the Republic of Kazakhstan. With a view to making a thorough and objective appraisal of the evidence and issuing a procedural ruling, the Office of the Procurator and the Department of Internal Affairs of the province of Kyzylorda were preparing a request to the law enforcement agencies of the Republic of Uzbekistan that they question B.I. in order to fully clarify the circumstances of the case.

41. The Government also highlighted that the Criminal Police Committee of the Ministry of Internal Affairs of Kazakhstan received an application from a human rights group based in Khorezm for assistance in the search for B.I. It further added that the internal affairs agencies of Kazakhstan spearheaded the hunt for the missing person by undertaking criminal investigations and inquiries, and medical establishments likewise made some checks in an endeavour to establish his whereabouts.

42. In its response, the Government informed that pursuant to paragraph 27 of the Instruction concerning a unified procedure for conducting interstate searches for persons, which was approved by the decision of the Council of Ministers of Internal Affairs of the States Parties of the Commonwealth of Independent States of 7 September 2007, the above-mentioned application was forwarded to the Central Department for Criminal Investigation and Counterterrorism of the Ministry of Internal Affairs of Uzbekistan with a view to initiating investigations and an international search for B.I. It further highlighted that the staff of the internal affairs agencies of Kazakhstan again contacted the human rights group in order to exchange information on B.I.'s whereabouts. According to the letter from the human rights group dated 3 December 2009, B.I. was then at home.

43. The Government also informed that in May 2008, B.B. approached N.M. in order to propose the services of his 10-person "team" to work on building sites – to which N.M. agreed. In June 2008, B.B. and his building team, minus B.I. who was then at another N.M.'s building site, received the sum of US\$3,000 and vanished without completing the building. B.I. stayed on for two to three months.

44. During that time, he regularly spoke to his parents by telephone. He received food and clothing and did odd jobs. They did not subject him to pressure or force. In the autumn of 2008, B.I. left the house and did not return. N.M. tried in vain to find him. In the spring of 2009, B.I.'s mother came to the town of Kyzylorda to search for her son. On meeting her, N.M. explained that B.I. had worked for him and lived at his house, but that he did not possess any information regarding his current whereabouts. B.I. did not lay a complaint with law enforcement agencies regarding any unlawful actions on the part of N.M. or

officials of the Department of Internal Affairs of South Kazakhstan or the province of Kyzylorda.

45. The Government also provided information and contact details of the Police Major and highlighted that no information was available about any investigations, judicial or other inquiries in relation to this case. According to information supplied by the Embassy of the Republic of Kazakhstan in Uzbekistan, it did not receive any complaints or applications from B.I.'s mother, or anyone else, in connection with this case at any point in 2008.

46. The Government also referred to some of the provisions of the code of criminal procedure, notably article 163 and 162, paragraphs 1 and 2 and described the governmental structure in place to deal with human trafficking.

47. In its response, the Government also highlighted that it was gradually implementing plans to combat and prevent crimes related to human smuggling and have launched information campaigns to counter human trafficking. It further informed that in 2009, as a result of the latest steps, anti-trafficking units initiated criminal proceedings in 265 cases. The Government also provided extensive information on the activities and programmes being implemented in its territory.

48. Finally, the Government informed that according to the statistical data supplied by the Legal Statistics Committee and in particular by the Office of the Procurator General on enforceable sentences for crimes under article 128 of the Criminal Code (human trafficking), the number of convictions was as follows: in 2007, three persons; in 2008, five persons; and in the first nine months of 2009, five persons. The number of convictions for crimes under article 133 of the Criminal Code (trafficking in minors) was as follows: in 2007, three persons; in 2008, one person; and in the first nine months of 2009, six persons.

## **D. Mexico**

### **1. Communication of 30 September 2009**

49. By letter dated 30 September 2009, the Special Rapporteur, jointly with the Special Rapporteur trafficking in persons, especially women and children, sent an urgent appeal to the Government of México concerning children missing from Mexican care institutions run by a Christian organization called "Iglesia Restaurada Cristiana".

50. According to the information received, **J.C.C.B.** (10 years old), **A.G.C.B.** (13 years old); and **D.L.B.H.** (12 years old), were missing from the institution named "Centro de Adaptación e Integración Familiar A.C." ("CAIFAC"), located in San Nicolás de los Garza, Nuevo León, México. **I.M.C.M.** (10 years old when entering the centre in 2007), **J.A.** (1 year old when entering the centre in 2007) and the brothers **A.I.J.O.**, **N.I.J.O.** and **H.M.J.O.** (respectively 15, 13 and 11 years old when entering the centre in 2006), were missing from the institution "Casitas del Sur" in San Pedro Màrtir and in San Miguel Xicoténcatl, in Tlalpan, Distrito Federal.

51. Concerning the situation occurring in CAIFAC, J.C.C.B. and A.G.C.B. had been in the custody of this centre since they were 1 year old and 2 years old respectively. Their mother was very poor and did not have any means to support her children, except to beg on the street. P.M., the director of CAIFAC, found them on the street and offered to take the children, assuring the mother that she could go and visit them anytime. Similarly, D.L.B.H.'s mother did not have any financial resources to support her. Thus she left D.L.B.H. with CAIFAC in 2006, so that she could be properly taken care of.

52. The whereabouts of the children were unknown. The mothers saw their children last in July 2008 and had been denied access to them since then, despite their requests on several occasions. In December 2008, the mothers of the children presented a complaint

against CAIFAC before the “Agencia del Ministerio Público Especializado en Justicia Familiar” (the District Attorney’s Office Specialized on Family Justice) for denying access to their children. While the District Attorney’s Office apparently interviewed P.M., the said Office did not order CAIFAC to allow the mothers to see their children.

53. There were concerns with respect to the welfare of these children, particularly in light of the allegation that B.C.B.H., who is D.L.B.H.’s sister, and other children in the custody of CAIFAC were locked in a wardrobe with their hands tied and forced to eat rotten food as a punishment, after B.C.B.H. unsuccessfully attempted to escape from CAIFAC.

54. Concerning the situation occurring in Casitas del Sur, Distrito Federal, it was reported that the children held in that centre had been subjected to ill-treatment. In particular, they were allegedly beaten, left without food for 1 or 2 days, closed in dark rooms or in closets for up to 2 days, and prevented from seeing their parents.

55. Following an order of apprehension issued by a local judge, 116 children were rescued from two institutions in San Pedro Mártir and in San Miguel Xicoténcatl, in Tlalpan on 29 January 2009. However, 11 minors were missing from these centers, including the five minors mentioned above. Their parents or family members had previously gotten back the legal custody on the children through a judicial order, but the director of the centre, E.C.M., had repeatedly refused to hand over the children. She told the father of the three missing brothers A.I.J.O., N.I.J.O. and H.M.J.O., that he would not get his children back and asked him to sign papers that authorized her to adopt his children, which he refused to do. The whereabouts of the missing children were still unknown.

56. According to the father, his three sons were initially handed to a temporary centre of the Procuraduría general de Justicia del Distrito Federal (PGJDF), the Public Prosecution Office of the Federal District. However, later on the parents realized that two weeks later their children were transferred to Casitas del Sur, without their consent and without being informed of the transfer. Also, the father applied for permission to visit his children, but he was not allowed to do so for 6 months because the granting of the authorization was delayed by the responsible officers of Agency 5-B of the PGJDF, who also refused to give him information about his children. The responsibilities of these two PGJDF officers in delaying the visits and withholding information, and of the director and attorney of the PGJDF centre, in relation to the transfer of the children to Casitas del Sur, had still not been clarified.

57. It was reported that the care institutions founded by “Iglesia Restaurada Cristiana”, including CAIFAC and “Casitas del Sur”, have been implicated in the disappearance of children across Mexico. Moreover, according to testimonies of some of the children who have been rescued from the “Casitas del Sur”, a man accompanied by foreigners repeatedly came to the centre and took away children who never came back. Also according to a former member of the “Iglesia Restaurada Cristiana”, the disappearance of minors has been a reality for many years because the members of the congregation “Iglesia Restaurada Cristiana” were just taking some children of their liking without papers or following any adoption procedures.

58. In this connection, the “Subprocuraduría de Investigación Especializada en Delincuencia Organizada” (the Agency of Specialized Investigation on Organized Delinquency, under the umbrella of the Federal Attorney’s Office) commenced investigation of the case for the crime of organized delinquency and trafficking. On 16 August 2009, a Federal Judge signed an order of apprehension against three individuals – namely, the director of “Casitas del Sur”, the preacher of “Iglesia Restaurada Cristiana”, and an English teacher. The order against P.M. was issued but not executed, as she apparently fled the country. According to the Attorney General’s Office, these individuals

were suspected of trafficking and executing an illegal transfer of children to overseas without the consent of their parents. In particular, they were implicated in the disappearance and trafficking of 14 children, including the three above named children missing from CAIFAC.

59. The Special Rapporteurs asked the Government whether the facts alleged in the summary were accurate. The Special Rapporteurs then requested full details of the progress of the prosecutions undertaken against E.C., A.E.C.C., L.A.C., and P.M. They also requested the Government to provide details, and where available results, of any other investigation, judicial or other inquiries which may have been carried out in relation to this case, including in relation to officers of the PGJDF.

60. The Special Rapporteurs further requested full details of any action undertaken to verify whether the children were in the custody of CAIFAC or Casitas del Sur, or, if they were missing, to identify the whereabouts of the missing children. They also requested information on: the preventive measures taken to ensure that competent oversight of care institutions for minors in Mexico was exercised (including regular controls of the facilities and verifications that visits by parents were regularly allowed) in order to ensure the safety and protection of children in the custody of these institutions; measures or steps taken to ensure that parents and legal guardians were provided with appropriate assistance in raising children in a manner which respects and promotes the rights of children as enshrined in the CRC; and the current policies and the preventive and awareness raising measures taken to tackle the issue of human trafficking and sale of children in Mexico.

61. The Special Rapporteurs finally asked the Government to indicate whether the families of the victims had access to adequate procedures of compensation for damages from those legally responsible.

## **2. Observations**

62. The Special Rapporteur regrets that the Government of Mexico has not provided a reply to the communication to date and calls upon the Government to provide information as soon as possible.

## **E. Nepal**

### **1. Communication of 15 October 2010**

63. On 15 October 2010, the Special Rapporteur, together with the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on contemporary forms of slavery and the Special Rapporteur on the human rights of migrants sent a letter of allegation regarding information received concerning an estimated 70,000 child bonded labourers who worked in the so-called « rat mines » of Jaintia Hills, which is located in the North Eastern State of Meghalaya, India.

64. According to information received, an estimated 70,000 bonded child labourers from Nepal and Bangladesh worked at the so-called “rat mines” of Jaintia Hills, Meghalaya State, India. The mines are reportedly known as such, because of the narrow and crude holes dug into the hills where only children can pass. It is estimated that about 40,000 children from Bangladesh and 30,000 children from Nepal worked at the mines. In most cases, the children were allegedly purchased by middlemen or abducted or sold by gangs in Nepal and Bangladesh to the mining mafia in Meghalaya. The children were allegedly sent to the mines after their parents accepted money from middlemen engaged in child trafficking. The price for a child varies from 50 to 75 US dollars. It is claimed that everyday, trucks transporting coal to Bangladesh return with children, who were lured into the mining industry with the promise of better wages and living conditions. The children

were in debt bondage situations, as they were not paid for their work in some cases so that they repay with their labour the price for which they were bought. In other cases, the children were given half wage compared to adults, which left them with very little money to survive on as expenses for their food were deducted from their wages.

65. The working conditions at the mines were allegedly hazardous, unhygienic, cruel and inhuman. The children were threatened not to disclose their identity to anyone they meet and they had no freedom to move from the premises of the mines. The working hours were long and the children had no rest from the day break to the nightfall. They had no means to communicate with the outside world, let alone their families. The children were not provided with any safety equipment and were only given shovels or pickaxes to extract coal or limestone. Further, it appears that deaths of children were common due to the unsafe working conditions at Jaintia Hills and often remained unreported. According to the information received, human skeletons were recovered beneath a pile of coal in the mine in Jaintia Hills and it had been verified that they were the remains of children who lost their lives due to suffocation in the mine shafts or in other accidents during the mining operations.

66. The information received also suggests that the children lived in very poor conditions. They reportedly lived in huts made with plastic sheets and there were no proper sanitary facilities. There was a lack of safe drinking water and proper sewage system. Although many people fell ill due to the poor living conditions, there were no medical facilities available near the mines.

67. It is alleged that girls were also often bought by the owners of the “rat mines” and subjected to sexual exploitation. They were exploited not only by mine owners, but also managers, other older workers and even truck drivers. There is also information suggesting that some children were trafficked further from the mines to the cities for sexual exploitation.

68. The Special Rapporteurs sought a verification of the allegations from the Government, including details of actions or investigations undertaken to identify the Nepalese children working at the “rat mines” and to verify their working conditions; investigations carried out in relation to individuals who are implicated in trafficking or selling the Nepalese children to the “rat mines” and keeping them in bonded labour; information on policies and the preventive and awareness-raising measures undertaken to prevent human trafficking, sale of children and sexual exploitation of children in Nepal; information on whether the victims or the families of the victims have access to adequate procedures of compensation for damages from those legally responsible for the trafficking in children, the sale of children, sexual exploitation of children, and the use of bonded labour; and details on any cooperation arrangements with the Indian authorities to facilitate the rapid identification of the Nepalese children working at the “rat mines”.

## **2. Observations**

69. The Special Rapporteur regrets not having received a reply from the Government of Nepal to her letter of 15 October 2010, and invites the Government to provide her with information regarding the allegations set out in her letter.

## **F. Pakistan**

### **1. Communication of 9 February 2010**

70. By letter dated 9 February 2010, the Special Rapporteur, jointly with the Special Rapporteur trafficking in persons, especially women and children, sent a letter of allegation

to the Government concerning 988 Pakistani children who were previously trafficked to the United Arab Emirates as child camel jockeys and have not received compensation to date.

71. According to information received, Rahimyar Khan District of Punjab Province, Pakistan, is said to be the leading source district for children who were trafficked for the purpose of camel racing in the Gulf States. According to the research conducted by an international NGO in June 2004, it was estimated that approximately 15,000 children from the Rahimyar Khan District were trafficked as camel jockeys to the Gulf States, most notably to the United Arab Emirates (“UAE”). It was reported that most of the children were sold to traffickers by their parents, who were very poor and lured to promises that their children would earn significant profits for their families as camel jockeys. Reports also indicated that there were other groups of individuals who kidnapped children and sold them to the trafficking mafia. The trafficked children were reportedly treated in an inhumane manner and suffered from physical injuries as well as from psychological trauma. They were kept in camel farms for 24 hours a day and were not allowed to leave the farms except when they took the camels out for exercise. The living conditions in the farms were harsh in that the children slept on the ground and were poorly fed so that their weight was kept under 20 kilograms, which is deemed as the maximum optimal weight for camel jockeying. They were also often subject to sexual abuse and beating, including electric shocks. They were made to work from dawn until dusk, and constantly faced risks of death or serious injuries during the race.

72. Since 2005, the UAE intensified its efforts in eradicating the use of child camel jockeys and signed an agreement with United Nations Children’s Fund (“UNICEF”) on 7 May 2005 to repatriate child camel jockeys to their country of origin and to assist in their rehabilitation and reintegration. With respect to the former child camel jockeys from Pakistan, the Ministry of Interior of the UAE and the Overseas Pakistani Division of the Ministry of Labour, Manpower and Overseas Pakistanis of the Republic of Pakistan reportedly established a Claims Settlement Facility in accordance with the Memorandum of Understanding (“MOU”) on 25 April 2007 to hear and determine individual claims of physical and non-physical injury by former child camel jockeys. The Claims Settlement Facility is administered by an Administrative Board, which consists of two members appointed by the Government of Pakistan and one appointed by the Ministry of Interior of the Government of the UAE.

73. According to the information received, the Claims Settlement Facility allegedly failed to provide former child camel jockeys with compensation. Firstly, it was alleged that the former child camel jockeys were not well-informed about the existence of the Claims Settlement Facility. A newspaper notice about the offer of financial relief to former child camel jockeys by the Government of the UAE reportedly appeared in Daily Khabrian in Multan on 13 May 2008 and on 23 June 2008, and in Daily Dawn in Lahore on 24 June 2008 respectively. It was alleged that these notices did not serve their purpose, as most of the former child camel jockeys are illiterate and live in remote areas where these newspapers do not reach. Secondly, while the Administrative Board was required under the MOU to designate one or more NGO(s) to extend legal or other assistance to the claimants to submit claims, the Administrative Board assigned the tasks to the Child Protection and Welfare Bureau of the Government of Punjab, whose officers were allegedly not properly trained to assist the claimants. There were allegations that the officers failed to consider claims in light of all evidence available. According to the information received, there are currently 988 former child camel jockeys whose claims are still pending and have not been provided compensation.

74. On 18 September 2009, a complaint about the ineffectiveness of the Claims Settlement Facility was submitted to the Secretary of the Social Welfare and Women Development Department, Government of Punjab, Lahore. The complaint was also



reportedly submitted to the following Ministries and Government departments on 28 September 2009:

- (a) The Secretary, Ministry of Labour & Overseas Pakistanis, Government of Pakistan, Islamabad;
- (b) The Secretary, Ministry of Interior, Government of Pakistan, Islamabad;
- (c) The Secretary, Ministry of Social Welfare & Special Education, Government of Pakistan, Islamabad;
- (d) The Director General, UAE Desk, Ministry of Foreign Affairs, Government of Pakistan, Islamabad;
- (e) The Director General, Federal Investigation Agency, Government of Pakistan, Islamabad;
- (f) The Secretary, Home Department, Government of Punjab, Lahore; and
- (g) The Director General, Child Protection & Welfare Bureau, Government of Punjab, Lahore.

75. It was alleged that these Ministries and Government departments have not taken any action about the complaint.

76. The Special Rapporteurs asked whether the facts alleged in the summary were accurate and requested the Government to provide information on the status of claims submitted on behalf of the 988 former child camel jockeys concerned in this case. The Special Rapporteurs asked whether the claims have been considered by the Claims Settlement Facility and if they have been refused, asked the Government to explain grounds on which the claims were refused.

77. The Special Rapporteurs further requested full statistical information on the compensation process, including the number of claims which have been submitted to the Claims Settlement Facility, the number of claims which have been accepted, the amount of disbursement made to date, and how these disbursements have reached the former child camel jockeys. The Special Rapporteurs also requested information on: measures taken to ensure that only the child camel jockey victims benefited from the Claims Settlement Facility; awareness-raising efforts undertaken to inform former child camel jockeys of the existence of the Claims Settlement Facility; any measures undertaken to rehabilitate and reintegrate the former child camel jockeys who have been repatriated to Pakistan; NGO(s) who were in partnership with the government in relation to extending legal or other assistance to the claimants in respect of the Claims Settlement Facility for the former child camel jockey victims; and any measures undertaken to ensure that the former child camel jockeys will not be re-trafficked or be subject to other forms of exploitation.

## **2. Observations**

78. The Special Rapporteur regrets that the Government of Pakistan has not provided a reply to the communication to date and continues to receive information that the children concerned still have not been provided any compensation. The Special Rapporteur calls upon the Government to provide information on the questions raised in the communication as soon as possible.

## **G. United Arab Emirates**

### **1. Communication of 9 February 2010**

79. By letter dated 9 February 2010, Special Rapporteur, jointly with the Special Rapporteur on trafficking in persons, especially women and children, sent a letter of allegation to the United Arab Emirates concerning 988 Pakistani child camel jockeys who were previously trafficked to the United Arab Emirates and who have not been provided with compensation to date.

80. According to the information received, Rahimyar Khan District of Punjab Province, Pakistan, is said to be the leading source district for children who were trafficked for the purpose of camel racing in the Gulf States. According to the research conducted by an international NGO in June 2004, it was estimated that approximately 15,000 children from the Rahimyar Khan District were trafficked as camel jockeys to the Gulf States, most notably to the United Arab Emirates. It was reported that most of the children were sold to traffickers by their parents, who were very poor and lured to promises that their children would earn significant profits for their families as camel jockeys. Reports also indicated that there were other groups of individuals who kidnapped children and sold them to the trafficking mafia. The trafficked children were reportedly treated in an inhumane manner and suffered from physical injuries as well as from psychological trauma. They were kept in camel farms for 24 hours a day and were not allowed to leave the farms except when they took the camels out for exercise. The living conditions in the farms were harsh in that the children slept on the ground and were poorly fed so that their weight was kept under 20 kilograms, which is deemed as the maximum optimal weight for camel jockeying. They were also often subject to sexual abuse and beating, including electric shocks. They were made to work from dawn until dusk, and constantly faced risks of death or serious injuries during the race.

81. Since 2005, the Government reportedly intensified its efforts in eradicating the use of child camel jockeys and consequently signed an agreement with United Nations Children's Fund ("UNICEF") on 7 May 2005 to repatriate child camel jockeys to their country of origin and to assist in their rehabilitation and reintegration. With respect to the former child camel jockeys from Pakistan, the Ministry of Interior of the UAE and the Overseas Pakistani Division of the Ministry of Labour, Manpower and Overseas Pakistanis of the Republic of Pakistan reportedly established a Claims Settlement Facility in accordance with the Memorandum of Understanding ("MOU") on 25 April 2007 to hear and determine individual claims of physical and non-physical injury by former child camel jockeys. The Claims Settlement Facility is administered by an Administrative Board, which consists of two members appointed by the Government of Pakistan and one appointed by the Ministry of Interior of the Government of the UAE.

82. According to the information received, the Claims Settlement Facility allegedly failed to provide former child camel jockeys with compensation. Firstly, it was alleged that the former child camel jockeys were not well-informed about the existence of the Claims Settlement Facility. A newspaper notice about the offer of financial relief to former child camel jockeys by the Government of the United Arab Emirates reportedly appeared in Daily Khabrian in Multan on 13 May 2008 and on 23 June 2008, and in Daily Dawn in Lahore on 24 June 2008 respectively. It was alleged that these notices did not serve their purpose, as most of the former child camel jockeys are illiterate and live in remote areas where these newspapers do not reach. Secondly, while the Administrative Board was required under the MOU to designate one or more NGO(s) to extend legal or other assistance to the claimants to submit claims, the Administrative Board assigned the tasks to the Child Protection and Welfare Bureau of the Government of Punjab, Pakistan, whose officers were allegedly not properly trained to assist the claimants. There were allegations

that the officers failed to consider claims in light of all evidence available. According to the information received, there are currently 988 former child camel jockeys whose claims are still pending and have not been provided compensation. Thirdly, the Claims Settlement Facility was to be terminated upon distribution of the awards in the manner determined by the Administrative Board in accordance with section 6 of the MOU. However, the Government allegedly terminated the Claims Settlement Facility already on 31 March 2009 without providing compensation to the 988 claimants concerned.

83. The Special Rapporteurs asked the Government to verify whether the facts alleged in the summary of the case were accurate. The Special Rapporteurs also inquired about the status of claims submitted on behalf of the 988 former child camel jockeys concerned in this case and whether the claims have been considered by the Claims Settlement Facility. If they have been refused, the Special Rapporteurs sought explanations from the Government on the grounds on which the claims were refused.

84. The Special Rapporteurs also requested full statistical information on the compensation process, including the number of claims which have been submitted to the Claims Settlement Facility, the number of claims which have been accepted, the amount of disbursement made to date, and how these disbursements have reached the former child camel jockeys. Furthermore, the Special Rapporteurs requested information on: measures taken to ensure that only the child camel jockey victims benefit from the Claims Settlement Facility; awareness-raising efforts undertaken to inform former child camel jockeys of the existence of the Claims Settlement Facility; any bilateral support provided to the Government of Pakistan to facilitate the rehabilitation and reintegration of the former child camel jockeys who have been repatriated to Pakistan.

## **2. Observations**

85. The Special Rapporteur regrets not having received a reply from the Government of the United Arab Emirates to her letter of 9 February 2010, and invites the Government to provide her with information regarding the allegations set out in her letter.

## **H. United States of America**

### **1. Communication of 14 January 2010**

86. On 14 January 2010, the Special Rapporteur sent a communication concerning allegations of State inaction with regard to 6 year-old A-L.M.A.K-P., who was reportedly suffering physical and sexual abuse, neglect and possible exploitation in pornography, by her father and his friends, since June 2008.

87. According to information received, A-L.M.A.K-P. lived with her father, Dr. M.H.P. in Washington, DC. M.H.P. isolated the child and kept her in an unkempt one room apartment with a queen size bed, no windows, and isolated stairs that lead to her bedroom. She was prevented from having contact with other children outside of school, and had been isolated from her extended family, friends and religious community.

88. It is alleged that at least four reports to the Washington DC Child and Family Services Agency (CFSA) were made by three professionals disclosing their respective suspicions that A-L.M.A.K-P. was being neglected and physically and sexually abused after assessing all medical records, school records and other information. The CFSA is mandated by law to investigate, protect and provide services for abused and neglected children. Dr. L.S., a child psychologist, stated her opinion on 14 August 2008 that there was clinical evidence suggesting that A-L.M.A.K-P. was being sexually abused. On April 20, 2009, Dr. J.S. reported her suspicions that the child is a victim of sexual abuse and physical and medical neglect. Dr. R.S. also stated in his affidavit of 15 April 2009 that the child was

suffering from neutropenia and had not been receiving adequate treatment. In fact, Dr. R.S. previously made a report in October 2008 regarding inadequate follow-up of her neutropenia, further to which allegedly no thorough investigation occurred. Additional medical documentation indicated a possible diagnosis of oral and genital herpes.

89. According to information received, the CFSA refused to provide reasons for not conducting thorough investigations of these allegations. The mother of the child, Dr. A.K. had filed a “freedom of information act request” requesting all documentation relating to A-L.M.A.K-P. and/or Dr. A.K. from the CFSA. The CFSA denied the request, so Dr. A.K. had since appealed that denial to the Washington DC’s Mayor’s office.

90. Furthermore, A-L.M.A.K-P. was allegedly being exploited by her father and his friends and colleagues, through use in pornography and other forms of sexual exploitation. A-L.M.A.K-P. had been visited by a social worker and a special police detective but according to information received, the child was not identified by such authorities as being isolated, nor suffering from post-traumatic stress disorder, nor a potential victim of pornography.

91. According to information received, Dr. A.K. had filed complaints to the Police of Washington, DC and to the Child and Family Services Agency, Washington, DC without having received any information on progress or status of such complaints.

## **2. Response and observations**

92. The Special Rapporteur thanks the Government for its response of 3 March 2010, provided through the Child and Family Services Agency of the Government of the District of Columbia. The Government stated that since there are cases pending in the Superior Court where Dr. A.K. is suing for custody, and in the Court of Appeal where she is pursuing her Freedom of Information Act request, it is limited in what it can discuss in this matter. The Government also stated that it cannot comment on the contents or findings of the investigation due to the confidentiality laws of the district of Columbia. However, the Government stated that the “mandated reporters” mentioned in the letter of the Special Rapporteur had no contact with the child and that CFSA did conduct a thorough investigation of the allegations on multiple occasions. It added that the allegations of medical neglect and sex abuse have been lodged by the mother in multiple jurisdictions including Maryland, Virginia, New York and the District of Columbia. A parent may obtain copies of the investigation summaries if they are founded or inconclusive but not if unfounded as those reports are expunged from the Child Protection Registry. Further, the Government stated that the child has no contact with the mother because a court order from the Commonwealth of Virginia prohibits it.

93. The Government stated that the letter is the first mention of any allegation that A-L.M.A.K-P. was being exploited by her father and his friends and colleagues through use in pornography and other forms of sexual exploitation. The Government added that the mother had not provided any evidence of such practices to any authority in the District of Columbia, and noted that any new allegations of facts that support any claim of child abuse or neglect should be conveyed to the CFSA hotline at (202)671-SAFE(7233).

## **I. Uzbekistan**

### **1. Communication of 20 October 2009**

94. By letter dated 20 October 2009, the Special Rapporteur, jointly with the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on the human rights of migrants, and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, sent a letter of allegation to the

Government of Uzbekistan concerning the Uzbek boy who has been trafficked to Kazakhstan to work in a forced labour situation and whose whereabouts were unknown.

95. According to the information received, B.I., aged 17, is a resident of the Khiva town of the Khorezm region, Uzbekistan. In May 2008, B.I. and four young Uzbek men were recruited by B.B., a citizen of Uzbekistan aged 56, to travel to Kazakhstan as labor migrants. B.B. promised them and their parents that he would take care of their employment in Kazakhstan. He also assured them that being the oldest in the group, he would look after the young men during their stay in Kazakhstan.

96. Upon their arrival in Kazakhstan, the young men were taken to a house of N.M., located in Zhalagash aul, Kizil-Ordinski oblast. B.B. received \$5,000 from N.M. in exchange of the young men and handed over their passports to N.M. before he disappeared. The young men were forced to carry out a variety of work in N.M.'s house, including construction work. They were forced to work under harsh conditions and without appropriate food and compensation. Approximately two months after the young men left for Kazakhstan, B.B. appeared in Khiva. B.I.'s mother went to see B.B. to ask how her son was. B.B. assured the mother that all the young men were well and that they would soon be sending money they earned in Kazakhstan. However, B.I.'s mother never heard from her son, as all the young men were not given any opportunity to contact their families in Uzbekistan. The young men except B.I. eventually managed to escape the house and return to Khiva.

97. In December 2008, B.I.'s mother lodged an appeal to the Department of Internal Affairs in the Khiva district and to the Embassy of the Republic of Kazakhstan in Uzbekistan to search for her son. However, she did not receive any responses from the authorities. Concerned for her son's safety and desperate to find him, on 12 June 2009, she travelled to N.M.'s house in Zhalagash aul, Kizil-Ordinski oblast by her own means. When she arrived at N.M.'s house, he shouted at her in the Kazakh language, throwing the passports of the young Uzbek men who were forced to work in his house. He told her that B.I. was taken by a Police Major from Shimkent city in Yuzhno-Kazakhstanskaya oblast.

98. It was reported that B.B. has deceived a number of individuals from the Khorezm region in a similar manner and the Department of Internal Affairs in the Khiva district commenced criminal proceedings against him under Article 135 of the Uzbek Criminal Code (Human Trafficking). However, B.B. had not been apprehended and the whereabouts of B.I. were unknown.

99. The Special Rapporteurs requested the Government to verify the accuracy of the facts alleged in the summary. They also asked the Government to provide full details of: any actions or measures undertaken to identify the whereabouts of B.I. and to ensure his safety and protection, and the progress of the prosecution undertaken against B.B. Further, they requested the Government to provide the details, and where available the results, of any other investigation, judicial or other inquiries which may have been carried out in relation to this case.

100. Furthermore, the Special Rapporteurs requested the Government to provide information on the measures taken to ensure rehabilitation and reintegration of the four young Uzbek men who managed to escape from the house of N.M.. They also requested the Government to indicate whether the victims or the families of the victims had access to adequate procedures of compensation for damages from those legally responsible.

101. Finally, the Special Rapporteurs requested the Government to provide information on the current policies and the preventive and awareness raising measures taken to tackle the issue of human trafficking in Uzbekistan and on what action were being taken by the Government to address the root causes of trafficking such as poverty and high youth unemployment.

## 2. Response

102. By letter dated 25 November 2009, the Government of Uzbekistan responded to the Special Rapporteurs' communication of 20 October 2009. The Government responded that the investigative section of the Department of Internal Affairs of Khiva district instituted criminal proceedings against B.B.. The investigation revealed that B.B. deceived B.I. and other citizens of the Republic of Uzbekistan by promising monthly wages of US\$500 and taking them to the Kyzyl-Ordinsk province of the Republic of Kazakhstan where he forced them to work in various places without pay.

103. The Government also informed that on 8 November 2009, B.B. was arrested and placed in remand centre No. 6 in Urgench. Criminal proceedings were instituted against B.B. on 8 November 2009 and investigations were still continuing. It was ascertained that B.I. returned to Uzbekistan on 8 November 2009 and he was living with his parents in the district of Khiva.

104. The Government informed that it was taking steps to improve national legislation to counter and combat this kind of criminal activity. For example, the Act on countering the trafficking in persons was adopted on 17 April 2008 and the definition of the term "trafficking in persons" contained therein is consonant with that set forth in article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

105. In its response, the Government highlighted that pursuant to this law, the presidential decree of 8 July 2008 approved a national plan of action to boost the effectiveness of the fight against trafficking in persons for the period 2008–2010. The presidential decree established the Republican Interdepartmental Commission to Counter Trafficking in Persons, which is a coordination body consisting of the heads of government bodies and community organizations, including the Ministries of Internal Affairs, Foreign Affairs, Justice, the Economy, Finances, Health and Labour and Social Welfare, the National Security Service, the State Customs Committee, the Women's Committee, the National Human Rights Centre, the Human Rights Commissioner of the Oliy Majlis (ombudsman), the Mahalla Foundation, the Central Council of the Kamolot youth movement and the Ijtimoi Fikr public opinion research centre. Local interdepartmental commissions to counter the trafficking in persons were set up in all regions of the country.

106. The Government informed that as part of the implementation of the law and the national plan, the Cabinet adopted a resolution on the establishment of a national rehabilitation centre to assist and protect victims of human trafficking. The construction of the centre was almost complete and the centre was equipped with necessary equipment to provide the victims with effective medical, psychological, legal and social support.

107. The Ministry of Internal Affairs established a special unit to counter human trafficking on 26 February 2004. The Ministry of Internal Affairs formulated and issued guidelines on the investigation of offences linked to human trafficking. In accordance with the 2008–2010 national plan of action to combat trafficking in persons, sociological and criminological surveys of problems connected with human trafficking were constantly conducted in conjunction with the Ijtimoi Fikr centre and the Manaviyat Va Marifat social centre. Special investigative units were also set up in the Republic of Karakalpakstan, in the provinces and in the municipality of Tashkent for the thorough investigation of offences related to the trafficking in persons.

108. In its response, the Government also informed that in order to stop clandestine labour migration, the Ministry of Labour and Social Welfare provided advice on the labour and migration laws in common destination countries at the Centre for Pre-departure Adaptation and Training and the Agency for Foreign Labour Migration. The Ministry also

actively conducted information campaigns through television advertisements, banners, posters, theatre plays, publications, seminars and conferences.

### **3. Observations**

109. The Special Rapporteur appreciates the detailed response provided by the Government and commends its efforts in successfully prosecuting the perpetrator and identifying whereabouts of B.I. who was missing at the time. The Special Rapporteur would appreciate further information on measures implemented by the Government to ensure rehabilitation and reintegration of the children concerned upon their return to Uzbekistan. The Special Rapporteur also remains interested in receiving information on measures undertaken by the Government to address the root causes of sale of children and trafficking, such as poverty and high youth unemployment.

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