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

### **Report submitted by the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo\***

Addendum

**Communications to and from Governments**

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\* Owing to its length, the present report is circulated as received.

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## I. Introduction

1. Pursuant to the Human Rights Council resolution 8/12, the Special Rapporteur is mandated to respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of actual or potential victims of trafficking. This addendum sets out summaries of communications sent by the Special Rapporteur from 1 January 2009 to 31 March 2010. It also includes summaries of Government replies received from 1 January 2009 to 10 May 2010. Government replies received after 10 May 2010 will be included in the Special Rapporteur's next communications report to the Human Rights Council.

2. 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.

3. During the period under review, nine communications were sent to seven countries in total. The overview of these communications is provided in the table in Section II. Eight of the communications were sent jointly with: the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, and the Special Rapporteur on the situation of human rights defenders. The Special Rapporteur received five replies to the communications as of 10 May 2010 and regrets that she still has not received replies to the remaining 4 communications. The Special Rapporteur wishes to recall the obligations of the Governments under the Human Rights Council resolution 8/12 to provide her with all the necessary information related to the mandate to enable her to fulfil the mandate effectively, and urges the Governments to submit replies to her communications in a timely manner to this end.

4. The Special Rapporteur received increasing information on child trafficking and some of the communications sent during this period concerned trafficking of children for the purpose of forced labour. A pattern of trafficking of women for the purpose of sexual exploitation was also reported to the Special Rapporteur and communicated to the Governments concerned. Further, the Special Rapporteur observed that the lack of effective remedies for victims of trafficking seemed to be a common problem.

5. In framing her interventions in these cases, the Special Rapporteur was guided by the legal framework and principles set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ("the Protocol"), other international human rights instruments, as well as the Recommended Principles and Guidelines on Human Rights and Human Trafficking, launched by the Office of the High Commissioner for Human Rights in July 2002 ("Recommended Principles and Guidelines"). She frequently recalled paragraph 1, article 9 of the Protocol, which provides that: "States Parties shall establish comprehensive policies, programmes and other measures: (a) To prevent and combat trafficking in persons; and (b) To protect victims of trafficking in persons, especially women and children, from revictimization". She also referred to paragraph 3, article 6 of the Protocol, which is the key provision in ensuring that the States Parties provide adequate assistance to victims of trafficking in rehabilitation and reintegration. It provides that: "Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental

organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of: (a) Appropriate housing; (b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand; (c) Medical, psychological and material assistance; and (d) Employment, educational and training opportunities”. In addition, the Special Rapporteur often recalled paragraph 7, guideline 5 of the Recommended Principles and Guidelines, which provides that States should consider: “Sensitizing police, prosecutors, border, immigration and judicial authorities, and social and public health workers to the problem of trafficking and ensuring the provision of specialized training in identifying trafficking cases, combating trafficking and protecting the rights of victims”. Where the communications concerned allegations of trafficking in children, the Special Rapporteur often stressed paragraph 2, guideline 8 of the Recommended Principles and Guidelines, which recommends States to consider: “Ensuring that procedures are in place for the rapid identification of child victims of trafficking”.

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

6. 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 communication</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>
21.01.2009	India	JAL	2 girls of Indian nationality, L and A	Trafficking, of women for sexual exploitation, ill treatment, lack of effective investigation.	Yes	14.07.2009	7–22
20.10.2009	Kazakhstan	JUA	Boys of Uzbek nationality, including B.I.	Trafficking of children for the purpose of labour exploitation.	Yes	20.12.2009	23–40
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	-	41–54
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	-	55–62
10.02.2010	Republic of Korea	AL	Women victims of trafficking in the Republic of Korea	Trafficking of women for sexual exploitation, debt bondage, ill treatment, lack of assistance for victims of human trafficking	Yes	13.04.2010	63–73
16.11.2009	United Arab Emirates	JAL	Ms. Fatima Zahra Moussa	Lack of effective remedies for victims of trafficking	Yes	23.04.2010	74–84
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	-	85–90
12.03.2010	United Arab Emirates	JAL	S.M., a founder of the organization which provides shelters to victims of trafficking	Accusations that the individual concerned was involved in the sale of children and child trafficking	No	-	91–102
20.10.2009	Uzbekistan	JUA	Boys of Uzbek nationality, including B.I.	Trafficking of children for the purpose of labour exploitation	Yes	25.11.2009	103–118

## India

### Communication of 21 January 2009

7. By letter dated 21 January 2009, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on contemporary forms of slavery, its causes and consequences, sent a letter of allegation to the Government of India concerning two separate cases: the first case concerned allegations that a 16 year old girl, L, was kidnapped, abused and sold to a brothel to work as prostitute. The second case concerned a 15 year old girl, A, who was allegedly kidnapped and trafficked into sexual exploitation. In both cases, it was reported that the police did not conduct effective investigations despite the fact that complaints were submitted.

8. According to the information received, on 3 September 2006, a friend of L's, N, took L to meet P and A, also residents of Mohalla, Munshipura. The victim was reportedly given an intoxicating substance and kidnapped by P and A. She was then taken to an unknown place where P, A, and other people beat, threatened and raped her. They allegedly filmed this incident and took photographs, threatening the victim that they will distribute this material in the Mau district, and to kill her if she reported the facts to anyone.

9. L was allegedly moved by her traffickers to Shivdaspur, Manduadih Police Station, Varanasi where she was sold to a woman, A.B. for INR 30,000 (USD 648) by P, A, N and others. A.B. kept L in the brothel she runs in the red light district. L was forced into prostitution and pornography by A.B. and her associates by means of physical and psychological violence, including: burning with a hot rod; beating; gang-raping; using abusive language; threatening to kill her; and providing food only once a day or none when her earnings were not deemed sufficient. Any earnings were taken by A.B. and the rest of the group for their own use and as punishment for no earnings she was forced to go without food.

10. During this captivity, L became pregnant and gave birth to a child, which exposed her to harsher violence, due to the reduced income she would generate for the brothel. L managed to get help to escape from a regular customer, and on the morning of 17 June 2008, she fled from the brothel and was able to reach her mother's house.

11. It was reported that a First Information Report (Case No. 769/06) was recorded at Kotwali Police Station, Mau district on 4 November 2006; allegedly the Police took no action. After her escape on 17 June 2008, L and her mother wrote a letter to the District Magistrate of Mau – Receipt No. EU 400010193 IN – and to the Superintendent of Police, Mau – Receipt No. EU 400010202 IN – and to the Station House Officer of Kotwali, Mau – Receipt No. EU 400010180 IN – on 9 July 2008. These letters were aimed at having L's statement recorded by the Information Officer and the Magistrate, which it seemed they did not manage to achieve. It was moreover reported that no action, investigation or arrests were made by the police at Kotwali station despite the notoriety of the brothel-owners and human traffickers involved in this case, and despite the Indian Penal Code which includes a number of relevant prohibitions.

12. In the red-light district of Shivdaspur (Varanasi), A.B., P, A, J, and T are reportedly well-known for kidnapping girls through fake marriage, intoxication or simply through force; girls are then sold to brothels where they are forced to work as prostitutes and for the production of pornographic material (known as blue films).

13. The second case concerned the abduction of a 15 year-old girl, A., who was taken to Varanasi and sold by human traffickers for sexual exploitation. According to the information received, A was reported missing in March 2008. After A went missing, her

family gathered information on what had happened the day she disappeared: apparently, while A. was on her way to Dudhi from Jorukhand village, she was taken by an auto rickshaw driver from Ramnagar village to Dudhi. From there she was taken by another auto rickshaw driver and sold in the Ramnagar area of Varanasi district. The family was informed that their daughter was being forcibly held in the Ramnagar area of Varanasi district, an area notorious for the presence of brothels and the endemic trafficking of women and children for the purpose of sexual exploitation.

14. Allegedly A's father tried to lodge a complaint at the Vindhamganj Police Station about his missing child but the police refused to cooperate; no investigation or other action was taken on the part of the police. It was reported that on 27 August 2008, he sought help to find his daughter from NGOs and the representative of Babhni block. Together they took the initiative to ask the people in the Jorukhand village for any clue, and apparently they traced the brothel where A was suspected to be held captive.

15. On 30 August 2008, a rescue operation located A in a brothel at 3/120 Rattapur, Ramnagar, Varanasi. When the rescuers entered the house, they found that there were five other girls also held in the house along with A. Three of these girls were from the Chhattisgarh state and two were from Varanasi. The brothel keeper and his 'manager' from Chhattisgarh state, were arrested during the rescue operation.

16. The First Information Report (FIR) (No. 195/08) was lodged at the Ramnagar Police Station, Varanasi under the Immoral Traffic (Prevention) Act (ITP), 1956. Apparently this case was registered against the brothels keeper and manager, as well as the five girls who were rescued from the house. According to the information received, the police named the five girls along with the actual criminals with an intention to undermine the prosecution of the actual culprits in the case. This was allegedly due to the fact that prostitution in Varanasi is a business carried out with the blessings of the local police. The police was also said not to have been serious enough in the investigation of A's case, as they had not tried to identify those who were connected with the brothel keeper and manager in their alleged human trafficking activities.

17. The Special Rapporteurs asked the Government whether the facts alleged in the summary of the cases were accurate, and also whether complaints had been lodged by or on behalf of the alleged victims.

18. The Special Rapporteurs then requested details, and where available results, of any investigation, judicial or other inquiries which may have been carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, the Special Rapporteurs requested the Government to explain why.

19. The Special Rapporteurs also inquired whether the victims or the families of the victims had access to adequate procedures of compensation for damages from those legally responsible. The Special Rapporteurs further requested information on the current policies and the preventive and awareness raising measures taken to tackle the issue of human trafficking in Uttar Pradesh, particularly in the Varanasi area, as well as information on the measures taken to ensure L's safety, protection, rehabilitation and reintegration.

20. In relation to A's case, the Special Rapporteurs requested full details of the prosecutions undertaken in relation to her case and asked whether any action had been taken in order to have the names of five girls who were rescued along with A removed from the list of accused in FIR 195/08 of Ramnagar Police Station, as per the Immoral Traffic Prevention Act. Finally, the Special Rapporteurs requested information on the measures taken to ensure A's safety, protection, rehabilitation and reintegration.

### **Response of the Government of 14 July 2009**

21. By letter dated 14 July 2009, the Government of India replied to the communication sent by the Special Rapporteur on 21 July 2009. 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.

### **Observations**

22. The Special Rapporteur appreciates the reply of the Government of India. She regrets, however, that the reply did not provide any information on the second case concerning A. 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.

## **Kazakhstan**

### **Communication of 20 October 2009**

23. By letter dated 20 October 2009, the Special Rapporteur, jointly with Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on the human rights of migrants, and the Special Rapporteur on 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. The Special Rapporteurs asked 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.

#### **Response of the Government of 20 December 2009**

31. On 20 December 2010, 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

### **Observations**

40. The Special Rapporteur appreciates the detailed response provided by the Government of Kazakhstan and commends its efforts in successfully locating B.I. who was missing at the time. The Special Rapporteur regrets, however, that the reply did not include sufficient information concerning any actions against the citizens of Kazakhstan who were potentially implicated in the disappearance and trafficking of B.I. The Special Rapporteur continues to monitor the situation in the country, particularly the implementation of the plan of action to combat and prevent human trafficking.

## Mexico

### Communication of 30 September 2009

41. By letter dated 30 September 2009, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, 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”.

42. 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 Mártir and in San Miguel Xicoténcatl, in Tlalpan, Distrito Federal.

43. Concerning the situation occurring in CAIFAC, J.C.C.B. and A.G.C.B. have 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.

44. 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.

45. 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.

46. Concerning the situation occurring in Casitas del Sur, Distrito Federal, it was reported that the children held in that centre have 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

53. 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.

## Observations

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

## Pakistan

### Communication of 9 February 2010

55. By letter dated 9 February 2010, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, 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.

56. 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 Save the Children Sweden 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.

57. 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.

58. 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.

59. 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:

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

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

60. 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.

61. 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.

## Observations

62. 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.

## Republic of Korea

63. By letter dated 10 February 2010, the Special Rapporteur sent a letter of allegation to the Government of the Republic of Korea concerning women victims of human trafficking who enter the Republic of Korea under the E-6 work Scheme.

64. According to the information received, many Filipino women are regularly recruited as singers in the Philippines under the E-6 work scheme to work in bars and night clubs in US military camp towns in South Korea, such as Dongducheon, Pyeongtaek, Songtan and Uijeongbu. There are approximately 4,970 migrant workers who hold a visa granted under the E-6 work scheme ("E-6 visa"), which is usually valid for 6 months and granted largely to female migrant workers to work as singers, dancers and for other types of entertainment. 77 percent of the E-6 visa workers are women, and it was alleged that this visa was often used to traffic women for the purpose of sexual exploitation. Once they arrived in South Korea, these women reportedly realized that their real job was to serve and solicit drinks from male US soldiers. It was alleged that if the women did not solicit enough drinks to meet a quota (which ranges from 200 to 500 drinks per month), their employer forced them to have sex with their clients. It was claimed that the women were effectively forced to continue working under these conditions, as they were already in debt to their employers for a variety of expenses, such as their flight ticket, visa costs, agents' fees, food and accommodation. The employers also reportedly used verbal abuse and control movements of the women in order to prevent them from escaping. In addition, if the women refused sexual advances from the customers or to have sex with them, the employers allegedly threatened to cancel their work permits and send them back to the Philippines. It was reported that in some cases, the employers also confiscated the passport and alien card of the E-6 visa workers. This practice allegedly breaches article 7 of the Labour Standards Act which prohibits forced labour, as well as article 33(2) of the Immigration Control Act which prohibits withholding of passport "for the purpose of using it as a means to secure a contract for job or the fulfilment of obligation".

65. The information received suggested that E-6 visa workers faced difficulties in accessing justice, due to the lack of knowledge of their rights or the lack of trust in the authorities. Further, it was often difficult for E-6 visa workers to escape from their employers and approach the authorities for help, as their employers would report them to the Korea Immigration Service and they would then lose their regular status within two weeks. It was even more difficult for women who lost their E-6 visa status for various reasons to file a complaint at the labour office or police station, as they ran the risk of being reported to the Korea Immigration Service as illegal immigrants.

66. Even when E-6 visa workers sought help from the authorities, they allegedly faced obstacles in accessing appropriate judicial or other assistance as victims of human trafficking. It was reported that article 4(3) of the Act on the Punishment of Procuring Prostitution and Associated Acts only criminalizes trafficking for prostitution, which is much narrower than the international standards. Because the definition of trafficking is linked to prostitution, the authorities allegedly failed to properly identify E-6 visa workers who do not work as prostitutes but have been trafficked for sexual exploitation. Reports also suggested that the relevant authorities were not sensitized to the issues of human

trafficking in general and that the Korea Immigration Service and the Ministry of Justice were often unwilling to intervene in trafficking cases, as they treated the matter as strictly a law enforcement issue which should be addressed by the police. In addition, the Ministry of Labour, which is responsible for monitoring workplaces that employ E-6 visa workers, did not distinguish them from other foreign workers, thereby failing to properly identify potential victims of human trafficking. While the Ministry of Labour apparently monitored some workplaces employing E-6 visa workers in Dongducheon, the monitoring was reportedly ineffective for it often took place during hours when the women were not working or present.

67. The Special Rapporteur asked the Government to verify whether the facts alleged in the summary were accurate. The Special Rapporteur then requested details of any investigations, judicial or other inquiries which have been carried out in relation to claims that many women have been trafficked to the Republic of Korea through the E-6 work scheme.

68. The Special Rapporteur also requested information on: measures undertaken to prevent the use of E-6 visas for the purpose of trafficking; measures undertaken to monitor working conditions of E-6 visa workers in order to identify any victims of human trafficking; the protection and assistance framework for the victims of human trafficking; measures implemented to ensure that victims of human trafficking were protected and on the types of assistance provided to them, including access to shelters, to medical, psychological and legal counselling, and to rehabilitation services; any training or capacity-building activities for law enforcement, immigration and other relevant officers carried out or planned to ensure that they are properly sensitized to the problem of trafficking and equipped with appropriate knowledge and skills to identify trafficking cases, combat trafficking and protect the rights of victims.

#### **Response of the Government of 13 April 2010**

69. By letter dated 13 April 2010, the Government of the Republic of Korea replied to the communication of 10 February 2010. Concerning the use of E-6 visas, the Government responded that since 2003, it decided to discontinue the issuance of visas to female dancers employed in bars and night clubs altogether. The Government denied the allegation that the Immigration Service and the Ministry of Justice were often unwilling to intervene in human trafficking case of E-6 visa holders, as public officials have an obligation to report a crime of human trafficking pursuant to the Criminal Procedures Act. Further, the Government stated that the Ministry of Justice was taking active measures to protect female foreign victims of trafficking by granting the postponement of departure and special permission to sojourn, as well as maintaining a system of cooperation with the diplomatic missions of the victims' countries for the purpose of the civil and criminal relief of the victims' rights. Further, the Government informed that the Ministry of Gender Equality directed a survey on the issue in 2007 and applied the outcomes to its policies for combating trafficking. The Government stated, however, that it was difficult to provide information on individual cases under investigation since the current statistics did not categorize the cases by nationality.

70. With respect to the monitoring of working conditions, the Government stated that the Immigration Service and the Ministry of Justice continuously carry out on-site surveys and determine whether any payment of wage is delayed when investigating cases of visa extension for Arts and Performance Status (E-6) visa holders. Moreover, the Immigration Service monitors workplaces and reports to competent authorities, including the government office for labor, any businesses engaged in illegal placement of workers, delayed payments of wages, solicitation or sexual exploitation. In addition, the Ministry of Labor has intensified its inspection of entertainer dispatch agencies. In 2009, the Ministry checked 66 such agencies and as a result, discovered 157 labor law violations.



71. The Government further informed that the protection system of victims of human trafficking in Korea mainly targets of victims trafficked for sexual exploitation. Pursuant to the Act on the Punishment of Procuring Prostitution and Associated Acts and the Act on the Prevention of the Prostitution and Protection of Victims Thereof, the Government has been protecting and assisting victims of human trafficking and forced prostitution. Protection and services for victims are rendered mainly through facilities and support centres operated by civic groups with financial support of the central and local governments. Women victims of human trafficking and prostitution may receive services for up to 18 months and the types of assistance and services available to victims include: counselling and treatment for psychological stability and social integration; medical support and medical facilities to treat diseases and manage health; accompaniment to investigations conducted by the authorities and to witness testimonies in court; submission of requests for cooperation and support by legal aid organizations; rehabilitative training and access to employment information; support for applications for any eligible social security payments in accordance with such statutes as the National Basic Livelihood Security Act; technical training and any other activity mandated to the support activities by other statutes. In addition, free legal counselling services are provided to foreigners residing in Korea through the Council for Promoting Rights and Interests, as well as by the Korea Legal Aid Corporation.

72. In response to the question concerning training activities, the Government replied that the Ministry of Justice runs human rights training for immigration officials through role-playing, lectures, dissemination of references focusing on human rights. The Government also created a new training program for the armed forces, as well as combined training for civil servants in the central and local governments and the police force. These programs educate law enforcement officers on the harmful consequences caused by human trafficking, related penal regulations, facilities for the protection of victims, support program contents and eligibility criteria for support facilities.

### **Observations**

73. The Special Rapporteur appreciates the comprehensive reply provided by the Government of the Republic of Korea. The Special Rapporteur continues to monitor the situation and welcomes any further information on this issue. In this regard, the Special Rapporteur would appreciate further information on any practical difficulties in implementing the relevant laws which require the immigration control officials to report any crimes of human trafficking and to provide necessary protection and assistance to the victims.

## **United Arab Emirates**

### **Communication of 16 November 2009**

74. By letter dated 16 November 2009, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, sent a letter of allegation concerning Ms. Fatima Zahra Moussa, a Moroccan national and allegedly a victim of human trafficking who submitted her case for consideration before the United Arab Emirates National Committee to Combat Human Trafficking (“NCCHT”).

75. According to the information received, Ms. Moussa submitted a case of alleged trafficking in persons to the NCCHT through the official website of the NCCHT in May 2009. In this case, Ms. Moussa claimed that she was trafficked to and within the United Arab Emirates by her former employers, the Emirates Centre for Strategic Studies and Research (“ECSSR”) and the Dubai Chamber of Commerce and Industry (“DCCI”).

76. Ms. Moussa was first offered a position of Editor by ECSSR on 25 July 2005. Upon arrival in Abu Dhabi, she surrendered her passport to ECSSR for the duration of her one year contract, which was stipulated to be part of the employment conditions. She was informed that it was possible for her to have her passport back as and when necessary. The employment conditions also stipulated that 10 percent of her salary would be withheld each month. The sum withheld would be accumulated and subsequently paid back at the end of the year. She was informed by ECSSR that this was a standard practice in the United Arab Emirates.

77. On 19 July 2006, after having worked one year for ECSSR, she was requested to renew her contract for another year. Although she refused to sign the contract, she was allegedly forced to do so, as personnel of the Human Resource Department of ECSSR allegedly intimidated her and told her that she would not be allowed to leave the room unless she signed. Allegedly, she had no option but to sign it, particularly because ECSSR was in possession of her passport at the time and she feared for ECSSR's retaliation. She contacted the Ministry of Labour in Abu Dhabi and informed them of ECSSR's practice, but the Ministry did not assist her on the basis that it only deals with cases of employees working for private companies.

78. On 16 January 2007, Ms. Moussa submitted a letter of resignation to ECSSR. She was informed that her resignation would be approved after she submitted a clearance letter from the bank confirming that she has no outstanding loans or debts. After she submitted the clearance letter to ECSSR, however, ECSSR allegedly cancelled Ms. Moussa's residence permit without complying with a requirement to pay her back the accumulated salaries owed to her. It then filed a criminal complaint against her at Al Shaabiyah police station in Abu Dhabi to evict her from the accommodation which belonged to ECSSR and to expel her from the UAE. She alleged that ECSSR did this to harass her and to retaliate against her.

79. In Abu Dhabi Court of first instance, she was fined 2,000 UAE dirhams in the case filed by ECSSR. She sought to appeal against this decision and went to the Abu Dhabi Public Prosecution office. While she was waiting to see the Chief Public Prosecutor in the office, it was claimed that two police officers suddenly handcuffed her and aggressively dragged her until another police officer intervened to stop them. While the police officer apologized for the mistreatment, he allegedly insisted that she pay the fine of 2,000 dirhams immediately. She paid the fine, so that she could leave the office. Subsequently, one of the two police officers filed a case against her on the basis that she insulted the police officer during the course of her duties. When she reported to the police station for questioning, she was arrested and put in jail. She was released only after a colleague came to the police station and left his passport as a guarantee. In Abu Dhabi Court of first instance, she was again fined 2,000 UAE dirhams, which she was allegedly forced by the police to pay on the same day. In both cases, there appeared to be no investigations and Ms. Moussa did not have a lawyer.

80. On 20 March 2007, Ms. Moussa was offered a position of business editor with DCCI. She was required to surrender her passport to DCCI as a guarantee to receive housing allowances, although this was not stipulated as part of the employment conditions. Ms. Moussa complained to the Ministry of Labour in Dubai about this practice, but the Ministry did not offer her any assistance. On 17 July 2007, she was dismissed by DCCI without any satisfactory explanations for the dismissal. Following the dismissal, DCCI issued an absconder notice against Ms. Moussa on 28 July 2007. On 26 August 2007, she departed the UAE and the absconder notice was still in effect to date.

81. Ms. Moussa submitted a complaint to the NCCHT, alleging that ECSSR and DCCI trafficked her. The NCCHT registered her case under the reference number NC000032. Ms. Moussa also called the NCCHT and provided further details of her case. She claimed

that she was informed during the telephone conversation that her case would be referred to the Public Prosecution without delay. However, on 7 June 2009, she was informed by the NCCHT by email that her case would not be reviewed as its official website cannot be used to notify the NCCHT about individual cases of human trafficking. This was contrary to the information publicly released by the National Media Council on 13 May 2009 that the official website of the NCCHT features an “important interactive feature “Contact Us” that allows contact with officials via email, thus enabling users to send complaints and notify the committee about cases related to human trafficking”. While Ms. Moussa sought explanations from the NCCHT of its refusal to handle her case, it was alleged that the NCCHT did not respond to her request. Moreover, under the “Contact us” page of the NCCHT webpage, it was stated that “[c]omplaints filed through this channel will not be processed”, in contradiction with the information released by the NCCHT in the mentioned official press release of 13 May 2009 related to the creation of its website.

82. The Special Rapporteurs requested the Government to verify the accuracy of the facts alleged in the summary. They also requested the Government to provide details of how the NCCHT considered Ms. Moussa’s case and to elaborate on the ground(s) on which the NCCHT determined not to respond to Ms. Moussa’s case.

83. Furthermore, the Special Rapporteurs requested the Government to clarify and provide information on the current framework for reporting potential cases of human trafficking to the authorities in the United Arab Emirates. In particular, the Special Rapporteurs asked what specific measures were adopted to provide victims with an easily accessible way to submit complaints and obtain assistance or redress. They also inquired on the role of the NCCHT and its website in this regard.

84. Finally, the Special Rapporteurs requested the Government to provide information on the measures taken to prevent trafficking and violations to the rights of migrant workers, in particular to those being held in forced labour and facing practices similar to slavery and servitude such as surrender of passports to employers. They also requested it to provide information on the implementation in the United Arab Emirates of the right to consular protection in cases involving migrants.

#### **Communication of 9 February 2010**

85. By letter dated 9 February 2010, Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, 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.

86. 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 Save the Children Sweden 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.

87. 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.

88. 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.

89. 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.

90. 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.

**Communication of 12 March 2010**

91. By letter dated 12 March 2010, the Special Rapporteur, joint with the Special Rapporteur on the situation of human rights defenders and Special Rapporteur on violence against women, its causes and consequences, sent a letter of allegation to the Government of the United Arab Emirates regarding the situation of S.M. S.M. is the founder of a non-governmental organization aimed at protecting women subjected to violence including rape, human trafficking, domestic violence, sexual abuse, incest and abuse of domestic workers in the United Arab Emirates ("the Organization"). The Organization also provided support to children victims of trafficking for the purpose of camel jockeying. In this context, two shelters were opened in Dubai 2001 and 2005.

92. According to the information received, on October 2007, 35 women and 10 children in the Organization were allegedly transferred by the authorities to a new government-run shelter, the Dubai Women and Children's Foundation. It was alleged that the transfer was an attempt by the authorities to close the Organization by merging it with the Dubai Women and Children's Foundation.

93. On 24 November 2007, S.M. wrote a letter to the Vice-President of the United Arab Emirates and the then Minister of Labour denouncing the attempt to merge the two shelters as a way to forcibly close down the Organization.

94. On 9 March 2008, the newspaper Gulf News reportedly published an article suggesting that S.M. was selling the stories of women living in the Organization to newspapers against their will. In late March 2008, the Organization was allegedly closed and the women from the shelters were transferred to the Dubai Women and Children's Foundation.

95. On 21 May 2008, Gulf News stated that S.M. was involved in the sale of children. Following these publications, the Consulate of the United States advised S.M. to leave the United Arab Emirates for her own safety. She now lives in the United States while her family remains in the United Arab Emirates. It was alleged that her family members have been harassed and threatened since she has left the country.

96. On 11 January 2010, the newspaper Emirat Alyoum, published an article referring to S.M.'s appearance on a BBC show on 14 December 2009. It was alleged that the article stated that S.M. had psychological problems, that she was involved in trafficking and sale of children and that she was involved in the misappropriation of funds.

97. On 26 January 2010, Al Bayan website published an article about domestic violence. The article quoted Mr. Afra Al Basti, the director of the Dubai Women and Children's Foundation, suggesting that S.M. had misappropriated 300 000 UAE dirhams. This publication coincided with the consideration of the United Arab Emirates' report by the United Nations Committee on Discrimination against Women where experts asked the United Arab Emirates' delegation to comment on the widely reported closure of the the Organization's shelter. The head of delegation responded that the shelter had begun operating without authorization and that the building of such centres should have been in compliance with State laws.

98. The Special Rapporteurs asked the Government to verify the accuracy of the facts alleged in the summary. They then inquired whether a complaint has been lodged by S.M., her family or on their behalf.

99. The Special Rapporteurs also requested information concerning the legal grounds for the closure of the Organization and how these measures are compatible with international norms and standards as stated in the Universal Declaration of Human Rights and other relevant international instruments. They further requested the Government to provide details, and where available results, of any investigation and judicial or other

inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, the Special Rapporteurs requested the Government to explain why.

100. The Special Rapporteurs also requested information on any shelters provided by the Government and/or by civil society organizations in the country, including specialized shelters for victims of domestic violence, as well as information on partnerships and cooperation with civil society organizations that the Government may have in ensuring the adequate provision of protection and assistance to victims of trafficking.

### **Observations**

101. By letter dated 23 April 2010, the Government of United Arab Emirates responded to the Special Rapporteur's communication of 16 November 2009. The reply is currently translated to English and will be published in the next report to the Human Rights Council.

102. The Special Rapporteur regrets that the Government of the United Arab Emirates has not provided replies to the communications sent on 9 February 2010 and 12 March 2010 to date and calls upon the Government to provide information on the questions raised in the communications as soon as possible.

## **Uzbekistan**

### **Communication of 20 September 2009**

103. By letter dated 20 October 2009, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on the human rights of migrants, and the Special Rapporteur on 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.

104. 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.

105. 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.

106. 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.

107. 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.

108. 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.

109. 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.

110. 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.

#### **Response of the Government of 25 November 2009**

111. 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.

112. 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.

113. 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.

114. 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.

115. 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.

116. 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.

117. 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.

### **Observations**

118. The Special Rapporteur appreciates the detailed response provided by the Government of Uzbekistan 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 trafficking, such as poverty and high youth unemployment.

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