

1996/26. Measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences

The Economic and Social Council,

Considering that illicit international trafficking in children is a criminal activity of increasing concern to the

international community and a violation of the Convention on the Rights of the Child,⁸⁰ article 35,

Aware that this activity is often conducted by criminal organizations with transnational links, principally in developing countries,

Taking note of resolution 3/2 of 6 May 1994 of the Commission on Crime Prevention and Criminal Justice,⁸¹ in which the Commission decided that it should consider, at its fourth session, the question of illicit international trafficking in children in the context of its discussion on organized transnational crime,

Recalling that the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, at which this subject received priority attention, adopted resolution 7 of 7 May 1995,⁴⁶ in which it invited the Commission to initiate the process of requesting the views of States regarding the process of elaborating an international convention on the illicit trafficking in children, which might embody necessary elements to efficiently combat that form of transnational organized crime,

Recalling also its resolution 1995/27 of 24 July 1995, section IV. B, in which it requested the Secretary-General to initiate the process of requesting the views of Member States on the elaboration of such an international convention,

Aware that it is necessary, in order to deal more rationally and effectively with the illicit international trafficking in children and to effectively coordinate activities across the United Nations system and among other relevant international organizations, to establish a global framework for analysis of such transnational criminal activity and for coordinating appropriate measures to prevent this scourge and to punish the offenders,

Welcoming the initiative of the Latin American and Caribbean States which took part in the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995,⁸² with regard to the illicit international trafficking in children,

Welcoming also the initiative of convening the World Congress against Commercial Sexual Exploitation of Children, to be held at Stockholm from 26 to 31 August 1996, which has among its key themes the issue of illicit trafficking in children,

Aware that it is necessary to adopt practical measures to combat this form of organized transnational crime,

1. *Takes note* of the report of the Secretary-General on children as victims and perpetrators of crime, in particular the

⁸⁰ General Assembly resolution 44/25, annex.

⁸¹ See *Official Records of the Economic and Social Council, 1994, Supplement No. 11 (E/1994/31)*, chap. I, sect. C.

⁸² See E/CN.15/1996/2/Add.1.

views of Governments on the elaboration of an international convention on the illicit trafficking in children and the proposals contained in that report;⁸³

2. *Invites* interested Governments fighting illicit trafficking in children to collect, wherever possible, data and other information on the problem in accordance with national legislation, and to furnish that information to the Commission on Crime Prevention and Criminal Justice;

3. *Requests* Member States to provide information on current legal provisions and administrative rules applicable to the prevention and punishment of illicit trafficking in children, and on the misuse of international adoption agencies by criminal organizations involved in illicit trafficking in children that may have been uncovered by the relevant authorities;

4. *Invites* Governments to adopt the necessary measures in accordance with their legislation to ensure that all persons involved in illicit trafficking in children are subject to prosecution in a manner commensurate with the seriousness of the crime;

5. *Invites* the Crime Prevention and Criminal Justice Division of the Secretariat to cooperate closely with the Centre for Human Rights of the Secretariat;

6. *Also invites* the Crime Prevention and Criminal Justice Division to work and cooperate closely with the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, taking into account her role in the inter-sessional open-ended working group for the elaboration of a draft protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

7. *Decides* that the Commission on Crime Prevention and Criminal Justice should include in the provisional agenda for its sixth session an item on the possible elaboration of a legally binding international instrument or instruments on the illicit trafficking in children;

8. *Requests* the Secretary-General to continue to gather the opinions of Governments on the elaboration of an international convention or conventions on the illicit trafficking in children and their suggestions on possible elements to be included in the text of a future binding instrument or instruments on that subject;

9. *Also requests* the Secretary-General to conduct a survey, on the basis of existing international conventions, analysing the extent to which children are protected from becoming victims of illicit international trafficking, taking into account both substantive and procedural aspects of providing such protection, and to compile and analyse the data collected;

10. *Further requests* the Secretary-General to prepare a report on the results of the survey mentioned in paragraph 9

above, to be submitted to the Commission on Crime Prevention and Criminal Justice at its sixth session;

11. *Requests* the Secretary-General to ensure that United Nations system-wide activity on this and related issues is effectively coordinated.

*47th plenary meeting
24 July 1996*

⁸³ E/CN.15/1996/10, paras. 10-26 and 46.