

**SUMMARY RECORDS OF THE
FOURTH GENERAL MEETING
HELD ON THURSDAY, 30 JUNE 2005 AT
10.00 AM**

**H.E. Mr. Amos Wako, the President
of the Forty-Fourth Session in Chair**

A. International Terrorism

1. **Mr. Chen Meidi, Deputy Secretary General** introduced the item on 'International Terrorism' and said that international terrorism had become a global issue with its existence posing a grave threat to the life and property of the humankind. Therefore the international community attached special importance to this issue. The issue had been on the agenda of the United Nations and various other international organizations for over three decades. In furtherance of its efforts, at its 51st Session, the United Nations General Assembly established an Ad Hoc Committee with a mandate to elaborate an international conventions for the suppression of terrorist bombings and on suppression of acts of nuclear terrorism

2. The Deputy Secretary General informed that since its establishment, the Ad Hoc Committee negotiations resulted in the adoption of three conventions: the International Convention for the Suppression of Terrorist Bombings 1997, International Convention for the Suppression of the Financing of Terrorism 1999 and recently, in resolution 59/290 of 13 April 2005 the General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism.

3. The Deputy Secretary General further elaborated that at the 53rd session, the General Assembly decided that the negotiations on the draft of a comprehensive convention on international terrorism based on the draft circulated by India earlier at the 51st Session in 1996, would commence in the Ad Hoc Committee at its meeting in September 2000. In accordance with this mandate discussions were in progress on the draft comprehensive

convention on international terrorism and during the deliberations consensus had emerged on certain issues notwithstanding differences of opinion on some crucial matters. Keeping in view the developments at the United Nations, the item entitled "International Terrorism" was placed on the AALCO's agenda at its Fortieth session held on 20-24 June 2001, in New Delhi (HQ), upon a reference made by the Government of India. It was felt that consideration of this item by AALCO would be useful and relevant in the context of ongoing negotiations in the Ad Hoc Committee of the United Nations on elaboration of the comprehensive convention on international terrorism.

4. The Deputy Secretary General recalled that during the deliberations on the item at the New Delhi (HQ) (2001) and Abuja (2002) sessions views were exchanged on some of the important issues of international terrorism. Meanwhile, because of the contentious nature of some of the issues involved, the work within the Ad Hoc Committee of the United Nations was progressing relatively slowly. He was of the view that the problem of terrorism had been troubling one part of the world or the other in various manifestations. Therefore it is imperative for the world community to join hands to tackle this menace with whatever measures could best address the issue.

5. The **Delegate of Republic of Kenya** said that the question of terrorism was very important to Kenya. At 42 years, Kenya was a relatively newcomer to the community of nations, and yet, had been thrust onto the centre stage of terrorism on a number of occasions over the years. Innocent Kenyans had lost their lives, hundreds had been maimed, and property worth millions of shillings had been lost. As a result, Kenya had adopted a comprehensive approach to the prevention and combating of terrorism, both on the home front and at the international arena. Among these key measures is the Suppression of Terrorism Bill, 2003 that the Government is currently re-drafting, with a view to incorporating the views of

stakeholders for a comprehensive, effective and wide acceptance.

6. He underlined that on the international front, Kenya welcomed the discussions at the United Nations on a Draft Convention on Terrorism and expected that this exercise would lead to the harmonization of the diverse initiatives adopted by the United Nations to combat terrorism. He informed that Kenya is of the view that the outcome of those discussions should be reflective of the views of the whole of the international community. The need for the United Nations to continue playing a central role in any measure against terrorism is of vital importance. In particular, the text of the convention should recognize the role of the General Assembly as a key actor, complementing the role of the Security Council. In addition, the proposed convention must take cognizance of the basic tenets of the United Nations Charter, such as the need to ensure the protection of national sovereignty and territorial integrity.

7. The Delegate pointed out that one of the most difficult tasks would be the definition of terrorism itself. He underlined the growing demand for the inclusion of the phenomenon of state terrorism under the definition of terrorism and to distinguish it from the right to self-determination. The Delegate stressed the importance of a balanced and inclusive approach in the elaboration of a comprehensive convention on terrorism. He sought serious consideration of the proposal made by Syria to hold an international conference on terrorism.

8. The **Delegate of Malaysia** stated that his delegation supported the establishment of an international regime to effectively combat acts of terrorism, in particular the conclusion of the India-initiated draft Comprehensive Convention on International Terrorism (CCIT). He reiterated concern that the fight against terrorism should abide by established norms of international law especially the principles respecting State sovereignty, territorial integrity and non-interference in the internal affairs of States and the principle of

self-determination while ensuring that perpetrators are not allowed to carry on their activities with impunity.

9. The Delegate said that Malaysia condemned terrorism in all its forms and manifestations and supports the call that terrorists and all those who support them under whatever guise are brought to justice. Malaysia abhors unilateral action against other sovereign States and exhorts States to adhere to the principled stand that all measures against terrorism should be undertaken with the sanction of the United Nations pursuant to Chapter VII of the UN Charter. Malaysia is not in favour of and would not support any unilateral action by any State that is not in conformity with international norms, rules and regulations.

10. He said that Malaysia supported the CCIT and was willing to work with the other States for an early resolution of the outstanding issues so that the CCIT may be finalized and adopted by the UN. The recent conclusion and adoption of the International Convention against Acts of Nuclear Terrorism, in particular resolution of the disparate views on Article 4 therein which is identical to Article 18 in the CCIT, should hopefully promote forward progress on the CCIT. Malaysia was of the view that a pragmatic approach should be adopted in order to reach a universally accepted definition of terrorism, which is free from any ambiguity and able to facilitate greater and more comprehensive cooperation among States.

11. On the preamble of the CCIT as contained in the Co-coordinator's draft, although Malaysia views the existing text of the preamble to be generally adequate, they would prefer the inclusion of an additional paragraph to accord recognition to the right of self-determination and people's struggles of legitimate national liberation movements as has been done in previous Conventions such as the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention). The delegate

said that whilst the world is grappling with terrorism where terrorists act with impunity, killing innocent people and destroying properties, there is still no consensus on the definition of terrorism until today. He urged that we must come to a compromised solution where all concerns are properly addressed.

12. He stated that Malaysia supported the inclusion of a provision to clarify that the CCIT does not detract from the sectoral treaties although Malaysia acknowledges that under the general rule of interpretation, the general law does not detract from the specific law. As for the exemption of acts by a State's military forces, Malaysia agreed that the proposed Article 18 in the CCIT is not objectionable as it would not grant impunity to the military forces of a State because they remain subject to and are regulated by international humanitarian law and international criminal law and the compliance therewith is enforceable through the national courts failing which the Security Council and the International Court of Justice have power to intervene. Malaysia would however be wary of any further expansion of the choice of law in Article 18, especially if the activities of armed groups, whatever label they adopt, elude the arm of justice by purporting to submit to the international criminal law or international humanitarian law regime which in reality they neither adhere nor respect.

13. The **Delegate of Myanmar** said that terrorism was a global phenomenon endangering peace and stability. The Delegate pointed out the need for concerted efforts at national, regional and international levels. The delegate also emphasized the need for a comprehensive convention. The Delegate pointed out though terrorism is not born out of poverty and hunger alone, but the severe conditions of poverty and deprivation provide fertile breeding ground for terrorists and this link should not be ignored. While informing the domestic measures taken by Myanmar the Delegate mentioned that they were party to ten anti-terrorist conventions and a signatory to one. The delegate also pointed out the significance of bilateral and regional mechanisms in the fight against terrorism.

14. The **Delegate of the Islamic Republic of Iran** said that despite all efforts by the international community to combat and fight terrorism, transnational terrorism is still one of the most challenging security issues of the twenty first century. There is no doubt that we are all vulnerable to terrorism. No part of the globe could be claimed to be immune from its harm and no country or region could be guaranteed to keep safe from its dire devastating consequences. Nor could any individual state afford to overcome this multifaceted phenomenon alone. It is the shared responsibility of all nations to put their efforts together in order to combat this universal threat.

15. The campaign against terrorism should take place in a coordinated way within the norms and rules of the international law and implemented by concerted effort and supported by political will of all states. The United Nations is the appropriate forum to mobilize such political will and to lead the global campaign against the menace. The legality and legitimacy of any action against terrorism should be measured by the principles and rules envisaged in the United Nations charter. Any initiative against terrorism, including its definition, should not undermine the values such as freedom, fundamental human rights and the rule of law. Fighting against terrorism should not be used as an excuse to deprive people from exercising their inherent right of self-determination.

16. Nothing can justify resort to acts of terrorism. Terrorist acts violate religious values including those values that Islam stand for. Use of indiscriminate violence against innocent civilians is categorically condemned in Islam. He said that as a victim of terrorism, the Islamic Republic of Iran has always condemned all acts of terrorism in strongest terms, in all its forms and manifestations. According to the Iranian legal system, terrorist activities are prosecuted in accordance with a series of related laws and regulations. Moreover a comprehensive draft law against terrorism has been prepared by legal experts

and is going to be ratified by the parliament soon. The Islamic Republic of Iran shall spare no effort in fighting terrorism.

17. The **Delegate of the Republic of Indonesia** said that terrorism constitutes one of the most serious threats to peace and security to all nations and all peoples. It endangers innocent lives and the dignity and security of human beings, threaten the social and economic development of all States and undermine the global stability and prosperity. Above all that, it violates the most fundamental of all human rights: the rights to life. Indonesia condemns in the strongest terms of all acts of terrorism, in all its forms and manifestations.

18. The International Community has to continue to work together to address this common global threat. The Government of the Republic of Indonesia has consistently been of the view that it is indispensable to ascertain a solid and concerted cooperation on global scale, with the United Nations at its centers and involvement, to combat acts of terrorism. This cooperation must be undertaken with full respect for the Charter of the United Nations, International Humanitarian Law, principles and norms of the prevailing International laws, and all Human Rights.

19. He observed that the negotiations on the Draft Comprehensive Convention on International Terrorism were almost complete and have been agreed upon, with the exception of article 2, article 2 bis and article 8. Regarding the scope of the Convention stated in article 2 of the draft comprehensive Convention, Indonesia is of the view that a definition of terrorism should reaffirm the resolve of the international community that all forms and manifestations of acts of terror, wherever and by whoever committed, could not be justified. The Delegate proposed that the draft comprehensive Convention should contain a clear definition of acts of terrorism and distinguish it from the legitimate struggle of peoples against foreign occupation in accordance with the Charter of the United Nations and include the concept of State

terrorism. Regarding article 2 bis of the draft comprehensive Convention, the delegate was of the view to maintain the said article in order to provide legal clarity in the event of a conflict between sectoral anti-terrorism conventions and the draft comprehensive convention. The Delegate was of conviction that an article 2 bis was intended to complement and fill the gaps between the sectoral anti-terrorism conventions and the draft comprehensive convention. With regard to the ongoing debate of article 18 of the draft comprehensive Convention, the Delegate was of conviction that this was the critical and crucial provision for the adoption of the said draft comprehensive Convention. Indonesia was in support of the text proposed by the Organization of Islamic Conference. Moreover, the term “parties” in that article was well defined and understood under international humanitarian law.

20. The Delegate welcomed the adoption of the Security Council Resolution 1566 (2004) on terrorism. Imposing practical measures to prevent and to punish terrorists was only one side of the coin. The other side is that these measures shall be taken in accordance with international law as well as with respect of human rights. The delegate also supported the UN Security Council Resolution 1373 (2001) of September 28, 2001 and the work of the Counter Terrorism Committee.

21. He informed that Indonesia in cooperation with Australia held a Ministerial Regional Meeting in Bali on 4-5 February 2004, which aimed at enhancing a common strategy at regional level to combat terrorism. As the follow up of the said meeting, Indonesia and Australia have taken initiative to establish Jakarta Centre for Law Enforcement Cooperation (JCLEC), situated in Semarang, which was inaugurated by the President of the Republic of Indonesia on July 3, 2004. The Centre aimed at providing a centralized institution to produce strategic and effective efforts to suppress and combat acts of terror. The Delegate also informed that Indonesia has taken an initiative to conclude a

Regional Convention against Terrorism between the South East Asian Nations.

22. The **Delegate of the People's Republic of China** said that terrorism is a serious problem faced by the international community and the Chinese government had always opposed and condemned all forms and manifestations of terrorism. The delegate said that activities of a handful of terrorists should never be attributed to the given nation or religion which they belong to, and should not affect the legitimacy and rights of national liberation movements. He observed that the position of the Chinese government had been that the fight against international terrorism must observe the purposes and principles of the UN Charter and other recognized rules of international law eschew double standards and address both the symptoms and the root causes of terrorism.

23. He said that China supported a lead role-played by the United Nations in the anti-terrorism endeavor, and had always supported combating international terrorism by strengthening international counter-terrorism cooperation and through international conventions. He informed that China was a party to 10 international anti-terrorism Conventions, and is in the process of ratification of the International Convention for the Suppression of the Financing of Terrorism. It was also in the process of signing the International Convention of the Suppression of Acts of Nuclear Terrorism. He supported the speedy conclusion of the Comprehensive Convention on International Terrorism. He said that China also strives to combat terrorism through regional international organizations, as well as bilateral cooperation with certain countries. Besides, China also took domestic measures to fulfill its international obligations.

24. The **Delegate of Qatar**¹ said that the world daily faced the crime of terrorism,

¹ Statement delivered in Arabic. Unofficial translation from interpreter's version.

which impedes development and results in the destruction of property. While pointing out the role of the international community in adopting several sectoral conventions he pointed out that still there was no agreement on the definition of terrorism. While underlining the need for a definition of terrorism he pointed out the Arab Convention against Terrorism, which defined terrorism. The Delegate explained the domestic measures undertaken by Qatar against terrorism.

25. The **Delegate of Kuwait**² spelt out unequivocal condemnation of terrorism and underlined that this crime was against the peace and security of the international community. He observed that as long as there were contending views it was difficult to formulate definition of terrorism at the international level. He referred to the definition of terrorism as provided in the Arab Convention and pointed out that it was followed by other organizations.

26. The **Delegate of Egypt**³ mentioned that apart from political and religious aspects terrorism also involved legal issues. While recognizing that there were several sectoral conventions the Delegate noted that there was a need for a comprehensive convention against terrorism at the international level. The Delegate, while underscoring the need for the recognition of national liberation movements, sought for the early adoption of the definition of terrorism and a comprehensive convention dealing with the issue. He emphasized their full commitment in the fight against terrorism.

27. The **Delegate of Oman**⁴ pointed out the terrorist acts were the worst forms of crimes that the international community was facing. He said that the reasons for these acts were always ambiguous but their aim was the same i.e., harming innocent people and

² Statement delivered in Arabic. Unofficial translation from interpreter's version.

³ Statement delivered in Arabic. Unofficial translation from interpreter's version.

⁴ Statement delivered in Arabic. Unofficial translation from interpreter's version.

destroying property. Though several measures were initiated, there is a lot more to be done in the direction of eliminating terrorism. He mentioned that Arab countries have initiated different measures including the adoption of Arab Convention against terrorism. While referring that there were efforts to link terrorist acts with Islam he stressed that Islam and Holy Quran do not support any forms acts of terrorism. He further explained the domestic measures undertaken by Oman against terrorism. He suggested certain steps that include the convening of international conference to define terrorism, addressing the causes of terrorism and refraining from linking terrorism with any religion. Finally he said that terrorism should be suppressed in accordance with international law and respect for national sovereignty.

28. The **Delegate of Sri Lanka** said that they attached great significance to the topic of international terrorism. He noted the developments against terrorism at the United Nations level. The Delegate informed that Sri Lanka was a party to ten international conventions and one regional convention. The Delegate further noted the domestic measures undertaken by Sri Lanka in compliance with its international obligations.

29. The **Delegate of India** said that the international community has long recognized the need for cooperation among all States in efforts to eliminate the scourge of terrorism, and has engaged itself actively to fight and weed out this menace effectively. The Declaration on Measures to Eliminate International Terrorism, adopted by UNGA Resolution 49/60 in 1994 unequivocally condemned all acts, method and practices of terrorism as criminal and unjustifiable wherever and by whoever committed. The Declaration also made clear that no considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature could justify the commission of criminal acts intended or calculated to provoke a State of terror in the general public.

30. The Delegate observed that all States under the aegis of the United Nations have so far very successfully developed a legal framework of twelve international conventions to address specific aspects of international terrorism. With a view to completing the legal framework of Conventions in this vital field, India proposed the conclusion of a Comprehensive Convention on International Terrorism and submitted a draft to facilitate negotiations during the 51st UNGA session. The active consideration of the draft began from 55th session within the framework of a Working Group of the Ad-hoc Committee on International Terrorism established pursuant to UNGA Res. 51/210. He thanked all delegations for their support and active participation in the consideration of the Draft Comprehensive Convention.

31. Agreement has been reached on most of the provisions of the text of the Draft Convention, although some important provisions, namely Article 2 on definitions, Article 2 bis on scope of the Convention and Article 18 on exclusion of security forces are still outstanding. Article 2 on definition of offences has been agreed in principle. However, some delegations have indicated that their agreement to this text was subject to agreement on Article 18. On the question of relationship with the earlier Conventions, there is general agreement that the Comprehensive Convention should not supersede or override, but should add value to and supplement the sectoral conventions. He said that his delegation believed that this agreed objective is best achieved by not making any specific reference in the text, so that the question is regulated by the general law of treaties as contained in the Vienna Convention on the Law of Treaties.

32. He underlined that the Report of the Secretary General's High Level Panel on Threats, Challenges and Changes, 2004 urges the UN to forge a strategy of counter-terrorism that is respectful of human rights and the rule of law. Such a strategy, the Report emphasized, must encompass coercive measures when necessary, and create new

tools to help States combat the threat domestically. The report argued that terrorism could never be justified and called on the General Assembly of the United Nations to conclude a comprehensive convention on terrorism.

33. The **Delegate of Thailand** said that Thailand condemned terrorism, as it was a heinous crime violating the fundamental rights of innocent people, which could not be accepted in all its forms and manifestations. Terrorism weakened national peace and security by bringing grievances of despair and indignation into the international community. He believed that international collaboration was necessary in order to prevent and fight against international terrorism.

34. While noting that there were 13 international conventions against terrorism the delegate informed that they were in the process of amending their domestic laws to conform to international standards set forth in these Conventions. He explained the domestic measures undertaken by them. He assured that they fully supported the drafting of a comprehensive convention on international terrorism in order to eliminate and combat acts of terrorism. He informed of their firm conviction that a compromising solution is required with a view to reaching agreement on the definition of terrorism. This could be made possible, perhaps, by distinguishing it in principle and in its own characteristics from the right to self-determination. He said that it might be essential to have exceptions to the definition of terrorism, as necessary, in order to ensure general acceptance by all in this long-debated matter.

35. Further focusing on the issue he noted that the right to self-determination is paramount under international law. That is to say, in pursuance of the right to self-determination, any act related thereto shall not be in breach of human rights law and international humanitarian law. Additionally, the right to self-determination should be expressed in the form of non-use of force and

should refrain from targeting civilians and their property.

36. The **Delegate of Saudi Arabia**⁵ said that his country was one of the first to suffer terrorism. He also underlined that Islam is against terrorism. He informed about international conference that they convened to discuss the issues involved in international terrorism.

37. The **Delegate of United Republic of Tanzania**, while condemning the acts of terrorism explained about their domestic measures against terrorism. He underlined the difficulties that they were facing with the definition of terrorism. He commended India for preparing the Draft Convention and circulating it among States. The Delegate assured full cooperation in combating terrorism.

B. Establishing Cooperation Against Trafficking in Women and Children

38. **Mr. Motokatsu Watanabe, the Deputy Secretary-General** introduced the item on the topic contained in the Document no. AALCO/44/NAIROBI/2005/SD/S9. He stated that the report explored conceptual aspects and socio-economic reasons for trafficking as well as nature and scope of international obligations to prevent trafficking, protect victims of trafficking and prosecute perpetrators.

39. He stated that trafficking in persons, particularly women and children had been recognized by the international community as a human rights violation that was described as a contemporary form of slavery. Trafficking in persons for sexual exploitation, forced labour, forced marriage and forced adoption was also the world's fast growing criminal business.

40. He emphasized that a coordinated approach that integrated migration policy issues, judicial cooperation, law enforcement,

⁵ Statement delivered in Arabic. Unofficial translation from interpreter's version.

and human rights concerns, while at the same time being sensitive to the extreme vulnerability of the victims, was needed to fight this crime. It was, therefore, imperative that international legal instruments are strengthened through universal ratification.

41. Further, he recalled that towards fulfilling the mandate entrusted to the Secretary-General through the resolution adopted at the Special Session held during the 43rd session in Bali (Indonesia), the Secretariat intended to proceed with the preparation of Model Law in two stages: (i) an outline of the model law to be presented at the Forty-Forth session and (ii) a set of draft articles to be presented for the consideration of Member States at the Forty-Fifth Session. With a view to completing the first stage of the work, the Secretariat conducted a preliminary study of the national legislations received from the Member States of AALCO and prepared the outline contained in the document AALCO/44/NAIROBI/2005/SD/S 9/ADD 1.

42. Further, he emphasized that as the problem is global in nature and many regions are severely affected, several regional and sub-regional initiatives are already underway and they are in operation at various levels. Thus, initiatives at the AALCO level may gain considerably when undertaken with the cooperation of other organizations.

43. Finally, for the purpose of drafting Model Legislation it was expected that the Member States come out with concrete suggestions reflecting their experiences and thus, requested and welcomed the Member States to give their comments on the outline of the proposed Model Legislation, which would facilitate the work of the Secretariat in preparing the draft articles of the Model Legislation.

44. The **Delegate of Malaysia** in her statement recognized that trafficking in persons, especially women and children, was a serious problem in the Asian-African region with the increasing involvement of organized criminal group. She informed that Malaysia

had ratified the United Nations Convention against Transnational Organized Crime (hereafter 'TOC Convention') and the two related Protocols relating to Trafficking in Persons as well as the Smuggling Protocol were under consideration. She also stated that Malaysia drew distinction between genuine victims of trafficking and self/voluntary trafficked persons who knowingly allowed themselves to be trafficked to seek economic gain. Although, Malaysia did not specifically criminalize "trafficking in persons", however its law already criminalized the component elements of the definition. She also mentioned that Malaysia was drafting a more comprehensive legislation, entitled the Witness Protection Act that provided protection for victims and witnesses of crimes. Malaysia also provided assistance to victims through the Social Welfare Department and NGOs. She also highlighted the process through which the trafficked persons were dealt with and that Malaysia welcomed the requirement in Article 8 of the Trafficking Protocol. She also highlighted the various bilateral and multilateral agreements Malaysia had in the area of cooperation to combat transnational crime, including border and security arrangements with neighbouring countries, use of INTERPOL and ASEANPOL, Agreement on Information Exchange and Establishment of Communication Procedures with the Republic of Philippines and Republic of Indonesia. She also said that Malaysia supported the proposal for a study by the Secretariat on the possibility of formulating a model legislation, which reflected the relevant international instruments, and national legislations. She also wished that the initiative taken by countries involved in the Bali Process to develop a model law to criminalize people trafficking.

45. The **Delegate of the Republic of Indonesia** shed light on some of the current efforts to prevent and combat trafficking in persons, especially women and children. She highlighted that an in-depth study of the root-causes of trafficking in persons was conducted and identified some notable traits, namely poverty, inadequate education, chronic

unemployment, broken family, gender imbalance and patriarchal culture, consumerism, weak legal enforcement against the perpetrators. She also provided that Indonesia formulated seven national legislations, which enacted, inter alia, UNCEDAW, protection of child and elimination of domestic violence. To implement those legal measures, Indonesia established National Commission against Violence towards Women and a National Plan of Action to combat trafficking in persons, especially women and children, women crisis centers, trauma centers and women's desk in every district and regional police. She reiterated that for successfully combating this crime cooperation and assistance amongst countries was imperative and thus there was an urgency of collaboration amongst nations through bilateral, regional or multilateral forum. In addition, substantive policy dialogues and joint action must be undertaken in critical areas including law enforcement, border control and monitoring of trafficking in persons networks, as well as apprehending criminals. In conclusion, the delegate hoped that through good spirit of cooperation, intensive and wide-range discussion, this session would result in concrete joint actions against trafficking in persons, especially women and children. Also, she stated that Indonesia was willing to exchange experiences and establish joint cooperation to hammer down a model law on mutual legal assistance and extradition. For the Forty-Fifth Session, Indonesia recommended to take an in-depth discussion or workshop for preparation of a set of draft Model Legislation for the criminalization of trafficking in persons.

46. The **Delegate of the People's Republic of China** at the outset acknowledged trafficking in women and children to be a brutal action, which seriously infringes the right of women and children and triggers a series of other crimes, and thus poses an immediate threat to social stability and security of a country. Thus, she reiterated that every country, especially developing countries, should reinforce their effort in combating this criminal action, and enhance

cooperation at international, regional and sub-regional levels. She underlined that Chinese Government had undertaken legislative, administrative and educational measures to tackle the problem. From January 2000 to December 2004, 18,697 cases on trafficking in women and children had been heard in court and 28,027 offenders had been convicted and brought to justice. She said that China paid great attention to international cooperation, for instance in cooperation with international organizations such as UNDP, ILO, Save the Children, Aus Aid etc., the Government launched various programmes to fight against trafficking. She informed that China was a state party to CEDAW, CRC and its Optional Protocol and the TOC Convention and was carefully looking at the Trafficking Protocol to the TOC Convention. In addition, China had concluded about 60 bilateral treaties on judicial assistance and extradition with over 40 countries, and more than 40 agreements on law enforcement cooperation concluded between the Chinese police sector and its foreign counterparts.

47. The **Delegate from Sri Lanka** at the outset felicitated AALCO for the success achieved by it since inception. She said that Sri Lanka was particularly interested in the issues of international terrorism, trafficking in women and children and good governance. She provided that Sri Lanka, in fulfillment of its international obligations, had introduced domestic legislation and had always strived to improve the administrative infrastructure dealing with women and children. The penal code, which was the principal criminal statute in Sri Lanka, had been subject to numerous amendments to deal with the problem of women and children. She stated that Sri Lanka was a signatory to the TOC Convention and the supplementary Trafficking Protocol. She provided that the current definition of trafficking in Sri Lanka's law was under amendment in order to bring it more at par with the definition as provided under the Convention and the Protocol and that the Bill would be placed before the Parliament shortly. Also, Sri Lanka was signatory to the SAARC Convention on the Suppression of Trafficking

in Women and Children for Prostitution and the Bill to give effect to this Convention was already before the Parliament. She also stated it to be unfortunate that the countries had not recognized the psychological and mental trauma caused to children subject to exploitation and sexual offences. In this regard legislation should be introduced to provide adequate compensation for such trauma undergone by the victim. She also mentioned that Sri Lanka was in the process of considering introduction of legislation to this effect. Finally, she urged that we are now in an era when all States must act in concert for the good of all and thus all Member States should pursue a course of action which would give effect to the spirit of cooperation.

48. The **Delegate of Bangladesh** acknowledged that trafficking in human beings, especially women and children had become a global problem. In the thickly populated South Asian region, especially in Bangladesh, this problem had not only created problem to criminal administration of justice, but it had also created social and economic problems. Therefore, Bangladesh also believes that cooperation in the regional countries is necessary to combat this problem successfully. He added that Bangladesh government had taken some concrete steps to address and combat this problem. Special legislations were made keeping provision for capital punishment for the offenders relating to this menace. Also, special courts were created for trial of offenders involved in women and children repression and trafficking.

49. The **Leader of Delegation of Brunei Darussalam** at the outset expressed his gratitude to the Government of Kenya for convening the Forty-Forth Session and congratulated the President and Vice President of the session for their election. He provided that in last two years, Brunei Darussalam had introduced a number of steps in supporting the international efforts to fight the scourge of human trafficking. Although Brunei was not a source country, but due to its proximity to source countries, it had the high risk of being a transit and destination country. Therefore, as

one of the first measures the government had enacted a new legislation addressing solely on the issue of trafficking and smuggling of persons, entitled Trafficking and Smuggling of Persons Order, 2004. This law introduced a number of offences criminalizing the act of trafficking; made it more serious when committed against children and disallowed consent from being used as a defense; provided a wider definition of exploitation and established serious penalties such as imprisonment up to a period of 30 years. Also, the new law established a special fund to pay compensation to trafficked victims. The Attorney General's Chambers of Brunei Darussalam had organized a series of awareness seminars and workshops amongst the law enforcement agencies in order to sensitize them that trafficked persons should not be viewed as criminals but rather more as victims. He added that Brunei had also recently enacted the Mutual Legal Assistance in Criminal Matters Order 2005, which enabled it to facilitate legal assistance to and to receive the same assistance from other countries. Finally, he welcomed the initiative introduced in the resolution of the Forty-Third session to develop a Model Law and believed it to be a significant step towards a joint effort in fighting the threat of the menace of human trafficking.

50. The **Delegate of the Sultanate of Oman**⁶ stated that trafficking in persons, especially women and children was against human dignity. Oman gave much attention to enhanced international cooperation to combat this crime and was keen to accede to the Trafficking Protocol complementing the TOC Convention and many other related conventions such as on racial discrimination, ILO convention on child labour in order to bring an end to such labour. Protection of civilians against racial discrimination should be a part of the Charter of the Sultanate of Oman. According to Oman Decree No. 101 of 1996 considered trafficking in persons to be grave crime as Charter condemn this form of

⁶ Statement delivered in Arabic. Unofficial translation from Interpreters version.

slavery which encroach human dignity of mankind and legislation had criminalized any sexual exploitation and any exploitation for pornography. Also rule provided punishment for any acts of pornography and criminalized kidnapping acts and had allotted number of punitive measures against kidnapping or to hide kidnapped victim. Article 258 of the Penal Code provides 15 years of imprisonment for kidnapping as it deprived kidnapped of its liberty and freedom and for subjecting him to physical torture and threat. Finally, he reiterated Oman's commitment to combat such crime and punish its perpetrators.

51. The **Delegate of Nigeria** stated that Nigeria had ratified the TOC Convention and its Trafficking Protocol. The ECOWAS Plan of Action of 2000 enjoined ECOWAS Member States to ratify and domesticate the TOC Convention and its Protocols, where after Nigeria signed a new penal legislation against trafficking in persons known as Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 (TIP Act). This Act was in line with Article 5 of the Trafficking Protocol. He also informed that under the TIP Act, a specific agency known as National Agency for the Prohibition of Traffic in Persons (NAPTIP) to implement its provisions. NAPTIP collaborates with Nigerian Police, State Security Services, Immigration Services, Prison's Department and the Ministries of Women Affairs in all the States of the Federation for the effective discharge of its mandate. He also informed that Nigeria had established a "Victims Trafficking Trust Fund" wherein all proceeds of crimes from convicted traffickers would be paid for the benefit of victims. Also, NAPTIP operates four shelters for victims of trafficking in Nigeria, biggest of which is located in Lagos. Further, he said that in order to enhance cooperation, Nigeria had entered into negotiations with some of the transit and destination countries. Nigeria signed a MOU on joint border control, investigation and process of identifying victims of human trafficking with the Republic of Benin, Republic of Niger, Equatorial Guinea, Gabon, Chad Republic and Togo. Also, Nigeria had an

operational MOU with Italy and United Kingdom. Nigeria was collaborating with ECOWAS and UNICEF Regional Office in Dakar, Senegal in planning a regional conference on Trafficking in Persons, which will encompass all the countries of ECOWAS, East and Central Africa, and some destination countries in Europe and the Middle East would be invited. He also spelt out some of the success stories since its establishment in 2003:

- Convicted a major trafficker in November 2003 who was sentenced to 3 years imprisonment;
- Over 15 cases were being heard in courts in various parts of Nigeria;
- Almost 120 trafficked victims, who have been assisted to return home from Europe, have gone through the NAPTIP shelters and their rehabilitation were in different stages of completion.

52. In conclusion, he reiterated other speakers' assertion that effective cooperation among states was required to arrest the increasing incidents of trafficking in women and children and therefore, called upon Member States to enter into mutual legal assistance agreements on trafficking in persons.

53. The **Delegate of the Islamic Republic of Iran** in his brief intervention provided that it was a common understanding that transnational organized crime posed a major challenge to the international community and fighting trafficking in persons, as one of the most heinous manifestations of transnational criminality, which required a coordinated approach. Building necessary capacities to prevent and suppress trafficking in persons should be a *sine qua non* element of any anti-human trafficking strategy. States should be assisted to adopt appropriate legislation, including supportive measures for victims, on one hand, and to fight trafficking in human beings and to facilitate multilateral cooperation, e.g. mutual legal assistance and law enforcement cooperation, on the other

hand. He added that in addition to already existing laws on fighting trafficking, a specific bill against trafficking in persons was developed by the Parliament of the Islamic Republic of Iran in 2004. This new legislation incriminated trafficking in human beings to and from Iranian territory for the purpose of sexual exploitation or forced labor or removal of organs. It was expected not only to strengthen the domestic legal regime against human trafficking but also pave the way for probable accession to the Trafficking Protocol. Also, extensive measures had been taken by Iranian Welfare Organization to support victims and assist the vulnerable groups.

54. The **Delegate of Myanmar** stated that since the nature of trafficking is transnational, therefore it could be curbed only through cooperation among all parties, parties of origin, transit and destination. She provided that Myanmar was tackling this issue through a comprehensive framework comprising of national legislation, a national plan of action, high level commitment, bilateral, regional and international cooperation. The National Plan of Action consisted of four strategies, namely prevention, protection and enforcement, prosecution and re-integration strategies. She added that the Myanmar Penal Code contained provisions for meting out heavy sentences for human traffickers. Also, she informed that Myanmar was now in the process of enacting a separate anti-human trafficking law. An important part of the Myanmar National Committee on Women's Affairs work was to prevent trafficking of persons and had been engaged in a series of training activities. Further, she stated that Myanmar nationals in foreign lands had been repatriated in accordance with government guidelines and receiving stations had been set up near Myanmar-Thai border. The repatriation center was established in February 2002 and the Center provided services to trafficking victims in cooperation with the United Nations Inter-Agency Project (UNIAP) and Save the Children (UK) and World Committee. Also, the Preventive Working Committee for Trafficking in Persons was formed in July 2002, which had reviewed 474 trafficking

cases between 2002 and 2004. She reiterated that human trafficking problem could be overcome only through international cooperation and as one of the Myanmar's efforts to fight the issue of trafficking it acceded to the TOC Convention and its two Protocols. Drafting of a law on anti-human trafficking in accordance with the UN Convention was underway. An MOU between the Governments of Myanmar and Thailand on cooperation in the Employment of Workers had been in force since June 2003. Also, MOU was signed between Myanmar and Australia on Asia Regional Cooperation to Prevent People Trafficking (ARCPPT), under which Myanmar had been cooperating with Cambodia, Laos and Thailand. Finally, she reiterated Myanmar's willingness to cooperate bilaterally, regionally and internationally on the issue of trafficking in women and children.

55. The **Delegate of the State of Qatar**⁷ at the outset recalled that this topic was added on the agenda of the Organization in 2001 because it was an organized crime, which has serious social and economic effects. Considering many women and children in developing countries were trafficked, it results in violation of the dignity and rights of women and children. Any strategy and method to combat this crime should be scientific to reduce its impact. Although no final definition of this crime had been achieved, however there was unanimity in the international community on its contents. Since human trafficking is one of the transnational organized crime, therefore the Member States needed to have an international strategy to prevent and punish this crime and thereby protect the rights of women and children. In order to save women and children from such form of slavery and abuse, we should have an international Model Act. He added that Qatar had criminalized trafficking in all the forms and under Article 21 of its Constitution recognized family as an integral basis in development of a child. Also, Article 25 of the Constitution guaranteed education as

⁷ Statement delivered in Arabic. Unofficial translation from interpreter's version

fundamental right. Finally, Qatar had signed the Convention relating to the Rights of the Child to protect their rights.

56. The **Delegate of Japan** also recognized that trafficking in persons gravely violated human rights and dignity, which required prompt and appropriate response from a humanitarian perspective, as trafficking caused serious emotional and physical pain for the victims, especially women and children. He stated that since trafficking in persons was a transnational organized crime, cooperation between states especially at the regional level was essential. A government delegation visited in 2004 and 2005 countries such as Philippines, Thailand, Colombia and the USA to discuss how to prevent and suppress trafficking in persons as well as how to share information with Governments, international organizations and NGOs. He added that Japan also cooperated with international organizations such as UNICEF, IOM, ILO, WHO and UNDP, through utilizing the Trust Fund for Human Security established in the UN by Japan's initiative. While highlighting the measures taken by his government, he informed that in June 2005, the Japanese Diet approved the conclusion of the Protocol supplementing the TOC Convention. Also, he outlined the amendments to the national laws which had been approved or which were to be approved by the Diet, such as to the Penal Code, the Law for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters, the Law on Control and Improvement of Amusement Business, The Immigration Control and Refugee Recognition Act, Passport Law. Finally, he informed that as a concrete step to combat trafficking in persons, upon the earthquake off the coast of Sumatra and the tsunami in the Indian Ocean, Japan had implemented the "Japan's Children Support Plan for Tsunami Victims". This plan focused on both child protection including anti-human trafficking measures and child survival including measures against infectious diseases.

57. The **Delegate of the Republic of Kenya** also acknowledged trafficking in

persons as one of the most heinous and despicable crimes. He informed that in 2005 Kenya had ratified the TOC Convention and all its Protocols and also urged all the Member States of AALCO who had not done so, to ratify the Convention and all its Protocols. He also stated that in the last year Kenya had put in place a number of measures including setting up of a special unit in the Kenya Police Service named the Human Police Unit (HPU) and had the plans to set up a similar unit in the Criminal Investigations Department (CID). Police reforms were undertaken to sensitize them to women and children issues. He added that Kenya had also engaged in cooperation with the neighbouring countries Uganda and Tanzania to carry out joint patrols. In addition, Kenya was tackling the problems regarding sex tourism, particularly child sex tourism by registering coastal guesthouses. An integral part of the measures against trafficking was cooperation and the Government had strengthened partnerships with United Nations and other international agencies. Further, he provided that Kenya had also passed into law, the Children's Act that protected the rights of the child. Finally, any strategy to address the issue of trafficking in persons, particularly women and children should be with a rights-based perspective, and should also respond to the issue of illegality and criminalization of the victims. Also, Kenya supported the efforts by AALCO to formulate model legislation against trafficking in women and children.

58. The **Delegate of the United Republic of Tanzania** informed that Tanzania was a party to the TOC Convention and its Protocols. He said that his delegation supported the need to review laws that did not take account of a comprehensive understanding of trafficking as reflected in the Trafficking Protocol. He said that Tanzania was among those nations that till now did not have a comprehensive anti-trafficking legislation but S. 139 A of its Penal Code Cap 16 of the law as amended by the Sexual Offences Special Provisions Act, No. 4 of 1998 (Section 14) dealt with the offence of trafficking in women and children. Further, he provided that in order to have harmonized

legislation among State parties, Tanzania welcomed the plea to have domestic legislations that took into account what was reflected in the Trafficking Protocol. He expressed the wish of Tanzania to support the call for Member States to deposit National legislations with the Secretariat to enable it to distribute to member countries those legislations for reference in order to enhance cooperation in offences of trafficking in persons. Finally, he stated that in addition to the need of comprehensive legislation against trafficking in persons, efforts should be made to address the underlying causes which had been identified to be the extreme poverty, and severe lack of economic opportunity in home country.

59. The **Delegate of India** submitted a written statement, to be deemed to have been read. It provided that India was a source, destination and transit country of human trafficking. India was committed to completely eradicate commercial sexual exploitation of children and sexual abuse of children through a very strong legal framework, administrative initiatives and cooperation with NGOs. Also, the Government of India had adopted multi-sectoral approach for prevention, rescue, rehabilitation and reintegration of women and girls who had been forced into condition of slavery and sexual exploitation due to poverty and economic distress. It also highlighted the major schemes ran by the Department of Women and Child Development (DWDC) to address trafficking directly like, Scheme called SWADHAR for women in difficult situations including victims of trafficking and provided shelter, counseling, medical assistance, vocational training to rescued; DWDC formulated a model grant-in-aid scheme for assistance to NGOs to combat trafficking in source areas, traditional areas and destination areas through prevention, rescue and rehabilitation. Apart from this, police action was taken to rescue victims of trafficking. Additionally, India was a state party to CRC, Yokohama Global Commitment, Trafficking Protocol supplementary to TOC Convention, SSARC

Convention on Prevention and Combating Trafficking in Women and Children for Prostitution and Optional Protocol on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography.

The meeting was thereafter adjourned.