

**Sale of children, child prostitution, child pornography, Special Rapporteur on the:**

(E/CN.4/1998/101, paras. 11–12, 21, 45, 55, 61, 62, 76, 104, 105)

The report notes that more than 40 states in the U.S. have adopted versions of "Megan's Law", which requires that communities be informed when a convicted paedophile moves into the area. The law is named after a seven-year-old victim who was raped and murdered in 1994 by a twice-convicted paedophile who, together with two other convicted sex offenders, moved into a house almost opposite the home of his victim. The crime took place in a quiet suburban street, and created a feeling of insecurity in supposedly safe middle-class neighbourhoods. The report also refers to the case of the Roman Catholic Church of Dallas having been ordered to pay US\$119 million in damages for ignoring evidence and covering up the long term sexual abuse of 11 altar boys by a priest. The report notes that one of the priest's victims later committed suicide allegedly as a result of the abuse.

On trafficking in children, the report refers to an investigation in Italy that broke up an international paedophile ring in which children were smuggled from East Asia to the United States. Investigators indicated that there was a Japanese organized group which allegedly sent Chinese children to the U.S. for prostitution and paedophilia.

In commentary on the participation of children in the media and fears about the "soft porn" label being given to mainstream material, the Special Rapporteur (SR) stated that such concerns were raised in regard to a controversial movie entitled "Kids", which was banned from general release in the U.S. in 1996 on the basis that it graphically depicted promiscuous under-age sex and drug taking. With regard to the protection of children against harmful influences through the media, the report notes that a new system of television ratings referred to as "The TV Parental Guidelines" has been widely criticized by child advocacy groups who argue for a non-judgmental rating system which would indicate the content of the individual programmes rather than making a recommendation on the age of the child who should see it. Research carried out by the American organization Mediascope on behalf of the National Television Violence Study found that where children saw a rating entitled "PG-13: Parents Strongly Cautioned", and "R: Restricted", they were more eager to see the movie than when it was given a content label such as "mild violence" or "graphic violence".

In commentary on other communications technologies the report refers to the so-called "dial-a-porn" or phone sex services which emerged in the 1980s and have become a large industry in several countries, including the U.S. The report notes that the U.S. Congress passed specific legislation that criminalized certain dial-a-porn activities. For example, the Telecommunications Act was amended to prohibit dissemination of obscene or indecent commercial telephone services in interstate or foreign communications to persons under 18 years of age. The Federal Communications Commission subsequently determined that dial-a-porn providers would only be able

to conduct business between the hours of 9.00 p.m. and 8.00 a.m. or must receive payment by credit card before transmitting an adult message. The report notes that since 1983, legislative, executive and judicial bodies of the government have developed a series of regulations and legislation, seeking a constitutionally acceptable solution to the problem.

With regard to children as viewers of sexually explicit material on the Internet, the report refers to proposals related to the introduction of a system of mandatory signatures which would help in identifying the origin of messages on the Internet, similar to the system of having assigned telephone numbers. Caution was expressed by a representative of the U.S. in terms of the introduction of measures aimed at restricting the use of anonymity on the Internet because, in some countries, this anonymity is the only way to criticize the government and, if lost, would make it possible for governments to trace dissidents and restrict their freedom of expression. The report recalls that the U.S. Supreme Court has ruled that a federal law which sought to curb indecency on the Internet, through provisions of the Communications Decency Act of 1996 (CDA), was unconstitutional. Opponents of the CDA successfully argued that the two challenged provisions of the CDA that were directed to communications over the Internet which might be deemed "indecent" or "patently offensive" for minors — defined as persons under the age of 18 — infringed upon rights protected by the First Amendment to and the due process clause of the Fifth Amendment.

The Special Rapporteur's interim report to the 1998 General Assembly (A/53/311, para. 87) notes that, in an effort to combat trafficking in women and children, the U.S. and Italy recently established a Working Group on Trafficking in Women and Children. At the Group's first meeting in Rome in April 1998, certain joint actions were agreed, including: the exchange of best practices with respect to assistance, protection and social integration of victims; implementation of common initiatives, including joint programme strategies for victim outreach, separately in the U.S. and Italy which should provide for the protection of victims' families in source countries; training for law enforcement, immigration and border officials in source countries to help them to identify patterns and methods of trafficking and prevent trafficking through effective investigation and prosecution; and the development of witness protection procedures and victim services in source countries for cases of repatriation, including training for law enforcement officials and assistance to NGOs that provide victim services.

**Torture, Special Rapporteur on:** (E/CN.4/1998/38, paras. 198–203; E/CN.4/1998/38/Add.1, paras. 450–463)

The main report notes that the Special Rapporteur (SR) had received information addressing, in particular, allegations of the use of excessive force by police officers in the New York City Police Department (NYPD) and the ill-treatment of inmates in prisons. Comments on actions by officers in the NYPD referred to excessive physical force