

of "sale of children", and differing positions amongst delegations regarding the mandate of the Working Group. Although there have been numerous requests that clarification regarding the mandate of the Working Group be sought from the UN Commission on Human Rights, this has not yet been done. The formulation supported by most southern delegations - "sale of children for any purpose and in any form" - is unacceptably vague to most northern states. Canada and most northern states have supported a narrow interpretation of "sale of children", as it is imperative to clearly define exactly what behaviour is to be criminalized.

The negotiations are much more advanced on the issue of child prostitution since the members of the Working Group have essentially agreed upon the elements of the definition and penalization section.

On the last issue, Canada supports a broad definition section of child pornography as well as a broad penalization provision, which is consistent with the provisions of the Criminal Code. This position is perceived by some delegations as being too broad.

In view of the growing international consensus that sex tourism is an act which needs to be criminalized, Canada has already taken the initiative to amend its Criminal Code to allow for the Canadian prosecution of Canadians who engage in sexual activity with children while outside Canada.

Canada has played an active role in the Working Group session by chairing informal negotiations and by developing consensus text. Canada intends to continue to work with its international counterparts in the hope that the Working Group will successfully conclude its negotiations and that the text of a strong Optional Protocol will be agreed upon by the tenth anniversary of the coming into force of the CRC in year 2000.

## 5. THE OPTIONAL PROTOCOL ON CHILDREN IN ARMED CONFLICT

A Working Group of the UN Commission on Human Rights has met five times since 1994 to draft an *Optional Protocol to the Convention on the Rights of the Child on Children in Armed Conflict*. The next session of this working group will take place in January 2000.

The Convention on the Rights of the Child provides that states parties shall take all feasible measures to ensure that persons who have not attained the age of 15 do not take a direct part in hostilities (combat) and that states parties shall refrain from recruiting into their armed forces any person who has not attained the age of 15 (article 38(2) and (3)). The same norm is found in the *Geneva Convention relative to the Protection of Civilian Persons in Time of War*, in the *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, and in the *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims in Non-International Armed Conflicts (Protocol II)*.