

**commercial  
sexual  
exploitation  
and sexual  
abuse of  
children**

**IN SOUTH ASIA**



**2nd World Congress**  
against **Commercial**  
**Sexual Exploitation**  
of **Children**

Yokohama, Japan  
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**unicef**   
United Nations Children's Fund

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# COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN AND CHILD SEXUAL ABUSE IN SOUTH ASIA

## 1.1 INTRODUCTION

This report has been prepared for the **Second World Congress against Commercial Sexual Exploitation of Children**, to be held in Yokohama, 17-20 December 2001. A draft report was prepared for and circulated at the South Asia Consultation for the Second World Congress against Commercial Sexual Exploitation of Children, Dhaka 4-6 November 2001. Based on feed-back provided during the Consultation, the report has been finalised for the Yokohama Congress.

The three-day South Asia Consultation was co-hosted by the Government of the People's Republic of Bangladesh and UNICEF. Prior to the Consultation, a one-day preparatory workshop was organised for children and young adults from the region. The approximately 140 delegates to the Consultation included senior government officials from seven countries, 25 children and young adults, and representatives of international agencies, NGOs and NGO networks and campaigns. The children and young adults were selected on the basis of their active work for at least one year as partners with NGOs and in collaboration with other children against child sexual exploitation and abuse in South Asia.

The South Asia Consultation was designed to assess and reaffirm government commitments and to discuss lessons learned since the **First World Congress against Commercial Sexual Exploitation of Children**, held in Stockholm in August 1996. As participants in the Stockholm Congress, **Bangladesh, India, Nepal, Pakistan and Sri Lanka** all adopted the **Stockholm Agenda for Action**. The South Asia Consultation provided an opportunity to reinforce partnerships with media, civil society and governments to address sexual exploitation of children and child sexual abuse. A major achievement of the Consultation was the active participation of children and young adults from throughout South Asia in all aspects of the meeting. The South Asia Strategy adopted at the Consultation will be presented at the **Second World Congress against Commercial Sexual Exploitation of Children**.

The First World Congress against commercial sexual exploitation of children was the culmination of a global mobilisation against the commercial sexual exploitation of children that began in 1994 when the End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) Campaign proposed holding a World Congress. Delegates from 122 governments, Inter-Governmental Organisations and Non-Governmental Organisations attended the Congress. The participating governments unanimously adopted the **Stockholm Declaration and Agenda for Action**, affirming their commitment "to a global partnership against the commercial sexual exploitation of children".

The Stockholm Agenda for Action calls for all governments to put in place strategies and mechanisms to end Commercial Sexual Exploitation of Children by the year 2000. Under the Agenda for Action, governments committed themselves to adopt **national agendas/plans of action** and to develop **implementing and monitoring mechanisms or focal points** so that



**data bases** could be established. This instrument also called for integrated measures to counter the commercial sexual exploitation of children based on measures of **co-operation/co-ordination, prevention, protection, recovery and reintegration, and child participation.**

While countries in South Asia have made some progress towards developing their National Plans of Action, this report will show that much remains to be done. Furthering this process is the underlying rationale for the up-coming Yokohama Congress. At the South Asia Consultation progress on the Stockholm Agenda for Action was reviewed, major obstacles and strengths in fulfilling the Stockholm commitments were identified and the next phase of action planned.

## **1.2** FRAMEWORK AND DEFINITIONS

*A 'child' is defined in the UN Convention on the Rights of the Child (CRC) as a person under the age of 18. This includes infancy, early childhood, middle childhood and adolescence.*

While all states in South Asia have ratified the CRC, the concept of childhood is often defined in relation to puberty or socio-cultural contexts. Girls and boys, from an early age, are often forced to function as adults. For example, for many girls in South Asia the search for a husband starts around the onset of menstruation and may result in marriage before menarche.<sup>1</sup> Considerable ambiguity is also reflected in laws concerning the definition of a child. The legal definition of 'child' may differ among countries, and even within countries for different purposes, and between boys and girls.

According to the CRC, all children have the right to be protected from sexual exploitation. However, the child's evolving capacities should also be taken into account. Adolescents, youths, and young people are groups having other rights; for example in relation to migration, age of sexual consent and child work in non-hazardous labour. (*Country-wise information on 'Definition of a Child' according to different laws within the region is presented in Annexure 4*).

### INTERNATIONAL INSTRUMENTS ADDRESSING CHILD SEXUAL EXPLOITATION AND ABUSE

Child sexual exploitation and abuse have been recognised at the international level through various instruments such as the Convention on the Rights of the Child (1990) (CRC) and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography - 2000; the Convention on the Elimination of All Forms of Discrimination against Women (1981) (CEDAW); the UN Convention against Transnational Organized Crime with a special protocol to Prevent, Suppress and Punish Trafficking in persons, especially women and children (2000); the ILO Convention 182 (1999), recognising child prostitution and child pornography as one of the worst forms of child labour.

These international instruments offer various definitions of sexual exploitation of children, including trafficking, and of child sexual abuse (*see Annexure 1*). Many of the international instruments post-Stockholm present a wider understanding of child sexual abuse and sexual exploitation and are therefore a step forward in addressing these issues more holistically (*for status of ratification, see Annexure 2*).



The UN has defined **child sexual abuse** as

*“contacts or interactions between a child and an older or more knowledgeable child or adult (a stranger, sibling or person in a position of authority, such as a parent or caretaker) when the child is being used as an object of gratification for an older child’s or adult’s sexual needs. These contacts or interactions are carried out against the child using force, trickery, bribes, threats or pressure.”*<sup>2</sup>

Child sexual abuse refers to a range of activities: touching and fondling a child’s genitals, with or without penetration, forcible intercourse with penetration of child’s vagina or anus by a penis or other object (rape and sodomy respectively), regardless of ejaculation.<sup>3</sup> It includes exposing children to adult sexual activity or pornographic movies and photographs; making lewd comments about the child’s body; having children pose, undress or perform in a sexual fashion on film or in person; and to “peeping” into bathrooms or bedrooms to spy on a child (voyeurism).<sup>4</sup>

The Declaration from the *First World Congress against Commercial Sexual Exploitation of Children* defines **commercial sexual exploitation** as

*“sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, amounts to forced labour and a contemporary form of slavery.”*

The *UNICEF* definition further links child sexual abuse to sexual exploitation:

*“Child sexual abuse becomes **sexual exploitation** when a second party benefits – through a profit or through a quid pro quo – through sexual activity involving a child. This may include prostitution, brothel and street-based sexual exploitation, trafficking for sexual purposes and child pornography.”*<sup>5</sup>

While recognising that there will still be debate about various definitions, for the purpose of this report, ‘child sexual abuse’ is understood as taking place both within and outside the family and includes both physical

**RELEVANT ARTICLES FROM  
THE UN CONVENTION ON  
THE RIGHTS OF THE CHILD,  
adopted by all South Asian nations**

**Article 34:** States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- b) The exploitative use of children in prostitution or other unlawful sexual practices;
- c) The exploitative use of children in pornographic performances and materials.

**Article 35:** States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale or traffic in children for any purpose or in any form.

**Article 36:** States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare.





contact and non-contact (such as in the case of voyeurism). As sexual abuse is understood in this report, no commercial transaction takes place.

In contrast, '*commercial sexual exploitation*' of children is understood as involving a transaction, through a 'quid pro quo' and/or a perceived 'quid pro quo'.

Commercial sexual exploitation of children commonly refers to using a child for sexual purposes in exchange for cash or in-kind favours between the client/customer and an intermediary or agent who profits from such trade in children. Those who profit include a wide range of persons, including parents, family members, and procurers/agents, community members, largely men, but also women.<sup>6</sup> They may be operating individually or as part of a syndicate. Commercial sexual exploitation includes prostitution, 'sex tourism' and child pornography.

Although the main theme at the Second World Congress in Yokohama is "Commercial Sexual Exploitation of Children (CSEC)", the South Asia Consultation and the South Asia Strategy also consider child sexual abuse. In South Asia, child sexual abuse within and outside the home, among all social and economic groups, is a critical concern; growing evidence suggests that child sexual abuse is more prevalent than child sexual exploitation.

While it is clear that the factors that contribute to the sexual exploitation of children are many and diverse, and may differ depending on the society or country into which the child is born, one causal situation is common to children across the globe: children who are sexually abused by someone in their own family or circle of friends are extremely vulnerable to sexual exploitation as well outside the family or later in life. In countries from the United Kingdom to South America, surveys among adult prostitutes have shown that many entered commercial sex after being abused at home. A small-scale study in Bangladesh indicates the same.<sup>7</sup> Sometimes, sexual abuse by a parent or relative drives young people out of the family home and onto the streets, where the need to survive makes them vulnerable to pimps, traffickers, drug peddlers and other manipulation.<sup>8</sup> Gender discrimination and the subordination of women and girls have been referred to as a fundamental cause of commercial sexual exploitation.<sup>9</sup> Any long-term strategy for combating commercial sexual exploitation of children therefore requires addressing all forms of gender-based violence, including sexual abuse.

Gender inequality is widely prevalent in South Asia. Girls and women in South Asia face harsh discrimination that compromises their right to survival, growth, development, protection and participation. Girls in many parts of South Asia lack equal access to education with boys, so the region is home to the largest gender gap in education levels in the world. South Asia is also the only region in the world where men outnumber women. An estimated 79 million women are 'missing' through discrimination, neglect and violence.<sup>10</sup> Gender based violence is common given the patriarchal structures in the region. This is illustrated in emerging statistics on female infanticide, honour killing, acid and dowry deaths and numerous other forms of violence against girls and women. Sexual violence is directly linked to increased vulnerability amongst girls and women to sexually transmitted infections (STIs) including HIV/AIDS.<sup>11</sup> Gender-based violence tends to increase in refugee situations. More than 26 million refugees, asylum-seekers and internally displaced persons are registered world-wide and millions more are unregistered. Fully 50% are girls and women.



Discrimination of women and girls is also reflected in male control over female sexuality and, to some extent, the legitimisation of prostitution of young girls and women.<sup>12</sup> Deep rooted inequality in structures and systems within families and communities, perpetuated by cultural norms and practices, are factors to consider in combating commercial sexual exploitation of children in South Asia.

There are also indications that individuals who are sexually abused during childhood may become abusers themselves as adults.<sup>13</sup> While more information is needed to make such a conclusion with certainty, this report will for these reasons address both commercial sexual exploitation of children and child sexual abuse.

**Trafficking** of women and children is often considered as interchangeable with sexual exploitation. However, while the two are certainly inter-linked, as trafficking often leads to commercial sexual exploitation, trafficking should be recognised as a process involving “other forms of exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.<sup>14</sup>



## SITUATION ANALYSIS

In South Asia, commercial sexual exploitation of children and child sexual abuse are some of the least explored forms of child abuse. Lack of sound methodologies and indicators to conduct comprehensive research and to compile quantitative data often associated with issue of abuse, exploitation and neglect, limits the availability of systematic quantitative and qualitative data. Inadequate and ineffective legal provisions and the absence of monitoring systems also impede data collection. It has been pointed out that in South Asia talking precisely about sexual abuse is not customary even among psychiatrists. The very lack of direct and clear language to discuss child sexual abuse makes diagnosis and treatment problematic.<sup>15</sup> This also impedes data and information collection. While most available estimates for commercial sexual exploitation of children and child trafficking in many of the South Asian countries are outdated, various national studies make clear that the problems of commercial sexual exploitation of children and child sexual abuse are widespread, and are acquiring alarming proportions.<sup>16</sup> Numerous small-scale studies, newspaper reports and case studies from several countries provide insight into the nature and gravity of this problem.

Commercial sexual exploitation of children and child sexual abuse in South Asia very often have undertones of gender discrimination against females. Girls are at greater risk of commercial sexual exploitation than boys because they face double discrimination and vulnerability, suffering on account of their gender as well as their socio-economic status. Sexual abuse and exploitation have been found amongst the most prevalent forms of violence that affect girls throughout childhood and adolescence.<sup>17</sup> However, boys are also clearly at risk of commercial sexual exploitation and sexual abuse.

### 2.1 COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

Child prostitution, sale and trafficking of children for sexual purposes and child pornography, involving both boys and girls, are closely linked. Child prostitution is frequently combined with the production of pictures, videos and other sexually explicit visual material involving children.

The estimated number of children in **prostitution** in South Asia varies. Figures for children engaged in prostitution in India's metropolitan cities range from 270,000 to 400,000.<sup>18</sup> In Nepal, the problem of child prostitution is believed to be spreading all over the country, predominantly in urban areas and along highways. One survey estimated that 800 girls are engaged as sex workers in the Kathmandu valley alone.<sup>19</sup> Prostitution of boys is known in Pakistan, although figures are hard to obtain. A study has reported that children are lured into sex work by making them dependent on drugs. The practice of bringing boys to cinema halls where x-rated films are being screened has also been reported.<sup>20</sup> Commercial sexual exploitation of boys has also been reported in Bombay.<sup>21</sup> To date, commercial sexual exploitation of children has not been identified as a problem in Bhutan and Maldives.



The growth of **sex-tourism** for child sex abusers, including pedophiles<sup>22</sup>, has been increasingly noted in Sri Lanka, India, and Nepal, catering primarily to demand from foreign tourists. The majority of child sex abusers are non-pedophiles, but are often regular users of commercial sex workers who buy children for sex as part of the mainstream sex trade.<sup>23</sup> In Sri Lanka, the problem of child prostitution, primarily among boys, is highly visible in beach resort areas. Their ages generally range from eight to 15 years. These young male sex workers are usually school dropouts, working for little money while nurturing the dream of 'quick and easy' money.<sup>24</sup> Nevertheless, in relation to sex-tourism examples from Sri Lanka show that local child sex abusers often out-number the tourists by many thousands.<sup>25</sup>

The potential danger of child sexual exploitation should not be overlooked in the Maldives since tourism is the country's largest industry. The risk is, however, minimal as tourists generally stay in resorts hotels built on uninhabited islands. Although child sex workers have not so far been officially reported in the Maldives, unofficial reports do exist of forced prostitution and drug related juvenile prostitution.

While commercial sexual exploitation often includes elements of force, it should also be recognised that children have also been found willingly engaging in sex related work for profit, although the distinction between 'voluntary' and 'forced' is difficult to make. Younger street boys in Bombay and Calcutta are reported to form steady relationships with older boys for protection from other bullies and gradually accept sex as part of the relationship.<sup>26</sup>

Most children who are sexually exploited seem to be girls between 13 and 18 years old, and the average age of the children involved is falling. Certain categories of children are particularly vulnerable to sexual exploitation because of their socio-economic status. These include boys and girls of underprivileged and marginalised religious and ethnic minorities or caste groups. Refugee children, street children, children of sex workers, children in communities where tradition or custom push them into sexual exploitation, children in institutional care, or in work places - especially in domestic labour - are considered particularly at risk of various forms of sexual exploitation. Also, migrant labour, bonded child labour, children affected by disaster and involuntary displacement, children in situations of armed conflict and child soldiers have been found to be at risk of sexual exploitation and abuse. Reduced access to reproductive health services, and education about such services, increases the vulnerability of adolescents in particular.<sup>27</sup> Studies also show that women with disabilities are two to three times more likely to be victims of physical and sexual abuse than women with no disabilities.<sup>28</sup> The same is likely to apply to girls.

In Nepal, **cultural forms of prostitution** among *Badi* and *Deuki* communities still prevail in some parts of the country, where girls are forced into sex work as a socially accepted means of survival. Men in the Badi community commonly involve their wives and daughters in commercial sex work to support the family. It is reported that 35 to 40% of Badi women involved in prostitution are under the age of 15. In India, several groups such as the Nats, Rajnats and Bhartu in Uttar Pradesh, Rajasthan, and Madhya Pradesh, are examples of castes and tribes that practice cultural forms of prostitution.<sup>29</sup> Prostitution with religious sanctity also exists in India and Nepal. For example, in South India and some parts of Maharashtra, it



is practised according to traditions like *Devadasi*, *Jogin*, *Matamma*. Also known as temple prostitution, these traditions allow sexual exploitation of young girls by the temple priests in the name of dedicating such girls to the deities. These religious forms of prostitution have completely degenerated and serve as a source that supplies girls to brothels in major cities like Bombay. In fact, many *Devadasis* and *Jogins* are today found in the Kamathipura red light area in Bombay.

The UN Special Rapporteur on Violence against Women points out in her 2000 report that “trafficking in girls and women appears to have become a thriving industry in the countries of South Asia”. While hard data are not available regarding the number trafficked for commercial sexual exploitation, NGO activists in Bangladesh estimate that 10,000-15,000 girls and women are trafficked across the border to India each year. Similarly, an estimated 5,000 to 10,000 girls from Nepal are trafficked to India per year. While forced prostitution remains the primary goal for traffickers of women and girls into India, child trafficking occurs in the region for many purposes, including various types of legal and illegal work, as domestic servants, and bonded labourers.<sup>30</sup> Many boys from Bangladesh, India, Nepal and Pakistan are sent to the United Arab Emirates to serve as camel jockeys.

Young girls from certain rural districts of India, Nepal and Bangladesh are trafficked for marriage and then sold into prostitution. Similarly, girls from India are also trafficked to Gulf states.<sup>31</sup>

Children are trafficked for entertainment as a part of dancing and theatre troops such as *jatra* and *nautanki* in India, or for circuses from Nepal to India. Girls from the sub-continent are also reported to be trafficked as dancing girls to Dubai. While not all of these children are subjected to exploitative and abusive situations, some have been found to be sexually abused and vulnerable to being further trafficked.

Trafficking cannot be seen out of the context of migration. Evidence suggest that traffickers often merge with the general population moving across open borders, and that traffickers frequently exploit the desire on the part of girls and women to migrate to escape poverty and discrimination at home. Therefore, while fewer victims are being kidnapped or abducted, an overwhelming majority are trafficked through deception and false promises. They are therefore ‘active participants’ in their own trafficking, at least at the beginning where the process includes recruitment and transportation. This dimension adds to the difficulty of developing methodologies to ascertain the actual number of trafficked persons and of creating effective interventions against the phenomenon.<sup>32</sup> While the open borders between many South Asian countries allow large movements of populations, imposing more stringent immigration and border surveillance does not seem to be the solution; the problem of trafficking most likely would go further underground and become even more profitable.

Very little data exists on **child pornography** in South Asia. Some cases have been noted in India (Goa and Mumbai) of which a few have also been taken to the court of law. In Sri Lanka, reports on cases of child pornography frequently appear in the press.<sup>33</sup> Several NGOs across the region have been demanding the introduction of extra-territorial legislation whereby criminals responsible for child pornography and the production of pornographic material



involving children can be punished in the country of their origin for crimes committed in another country. The fast growing IT sector has also led to promotion of child pornography on the Internet. Countries like India, Pakistan and Nepal have been discussing this phenomenon and there have been demands by parents and NGOs to introduce filtering devices on the Internet that deny access to pornographic sites.<sup>34</sup>

## 2.2 CHILD SEXUAL ABUSE

While child sexual abuse cuts across caste, class, ethnicity and location, street/homeless children and working children, particularly domestic workers and poor children, have been identified as experiencing an especially high risk of sexual abuse.<sup>35</sup> Newspapers frequently report sexual abuse in schools and at work places, within institutions such as prisons and remand homes, on the streets and other public spaces.<sup>36</sup>

Homosexual rape of younger street boys has been reported in Mumbai, Delhi and Calcutta. Being traumatised by their first experience, they are often threatened into acquiescing subsequently. Moreover, the children subjected to this sexual violence have little or no access to information, counselling and services for the prevention of STIs including HIV/AIDS.

With respect to sexual abuse, it appears that no age is safe. In some cases sexual abuse has been reported on girls as young as a few months old, and data indicates that the age group 10 to 15 years is the most vulnerable group of children to sexual abuse.<sup>37</sup>

In Bangladesh, child sexual abuse has been recognised among children employed as domestic workers. A study by the NGO "Breaking the Silence" found that 13% of the victims had been abused by an employer's son. In India, as in other countries, most victims of sexual abuse were more often than not raped or abused by family members, close friends and relatives. Figures from Delhi from 1994 show that nearly two out of three rape victims were children.<sup>38</sup> In Nepal, during 1995 and 1996, a local newspaper reported a number of rape cases in which the majority of the victims were under 16 years.<sup>39</sup> While girls in general face a greater risk of being sexually abused, boys are also at risk. A small scale study in Pakistan claims that 35% of child victims of sexual assault were boys.<sup>40</sup> Although sexual exploitation of children has not been recognised in the Maldives, cases of child sexual abuse are being increasingly reported to the Government's Unit for the Rights of the Child.<sup>41</sup>

## 2.3 CAUSES OF COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

Many factors, both modern and traditional, are commonly cited for **commercial sexual exploitation** of children and **trafficking**, including trafficking for sexual purposes. Globalisation is a stimulus since it involves increased trade across national borders, greater mobility of capital and workers, increased urbanisation, and the incorporation of subsistence communities into the market economy. Globalisation has also led to the growth of tourism, the expansion of international organised crime, the profitability of trafficking and the consequent commodification of children's bodies. Large profits lead to the well-known nexus between prostitution mafias, law enforcement agencies and others. Family members are sometimes also involved in the trafficking of children as a means of earning money. Communities along many borders also profit from trafficking by providing meals, shelter and other support services.



Furthermore, that border officials sometimes seek personal financial benefits out of trafficking is no secret.

Porous borders between some countries in the region allow for extensive trafficking and sexual exploitation of children and women. According to a March 1994 Sindh Police Report, "borders in South Asia are generally porous, where some borders remain entirely uncontrolled".<sup>42</sup> In particular, the porous India-Bangladesh and open India-Nepal borders are known for trafficking in women and children.

"Bangladeshi women and children are trafficked to India through the bordering districts: Satkhira, Jessore, Jhenidah, Meherpur, Rajshahi, Nawabganj, Joypurhat (sending route in Bangladesh). Indo-Bangla international border at Khojadanga in the North 24 Parganas in West Bengal is the receiving area in India. The trafficking from Nepal largely takes place through the adjoining border districts of Bihar and West Bengal, from where they make entry into other places in India. The Nepal-U.P. border is also another easy entry point."<sup>43</sup>

In Bhutan, a task force has been created by the local police to curb the increase of commercial sex workers, particularly in the border town of Phuntsholing where the porous borders between India and Bhutan have allowed for typical sex industry clientele to seep through, while those selling tend to take their trade out as well.<sup>44</sup>

### HIV/AIDS in South Asia

- ◆ Available epidemiological indicates that globally 50% of HIV infection is among young people below 25 years of age.<sup>45</sup>
- ◆ In most countries in the region, HIV infection is now concentrated in certain groups such sex workers and intravenous drug users. 48% of adolescent sex workers in Pune, India are HIV positive. Infection rates among sex workers in Nepal have soared in recent years from 2% in 1996 to 20% in 2000. The average age of sex workers in Nepal is 16-25 years.<sup>46</sup> 48 % of adolescent sex workers are infected with HIV/AIDS in Pune, India.<sup>47</sup>
- ◆ In general, information levels on HIV/AIDS are still low. According to NFHS II, (1998-1999), in India only four out of ten married women and only 18 % of illiterate women have ever heard of AIDS; 86 % of married girls in Bangladesh between 15-19 years of age still don't know how to protect themselves from infection.<sup>48</sup>
- ◆ There is limited access to information and services for young people and more so for marginalised populations such as sex workers and street children.
- ◆ The use of condoms for safe sex is very limited.

UNAIDS reports that the fear of HIV seems to be prompting some men to seek out young girls as partners whom they believe are less likely to be infected, thus leading to larger demand for them by brothel owners. Men who fear acquiring HIV may nonetheless be infected themselves without knowing it; in turn they infect their young partners. (Over 90% of those infected in the developing countries are not aware of their status.<sup>49</sup>) In addition, some men believe that engaging in sexual intercourse with a virgin offers a cure for AIDS.<sup>50</sup> In brief, the interplay of biological, cultural and economic factors makes young girls who are sexually exploited particularly vulnerable to the sexual transmission of HIV.

Individual factors leading to child sexual exploitation include family breakdown, migration of mothers and single parent households. Family disputes and domestic violence leading to abuse at home, being in substitute or institutional care, drug addiction and family histories of sexual exploitation are additional contributing factors.



Social discrimination against women has also been mentioned as a factor responsible for women leaving home. Lack of access to inheritance, land and employment, and the practice of polygamy make women easy prey for traffickers who exploit their desire to migrate. Child marriage and unilateral divorce also increase the vulnerability of women and girls to the whims of male partners.<sup>51</sup> **Child marriage** exists in India, Pakistan, Nepal and Bangladesh. Reports reveal marriage of girls of 10 years old or even younger. The age of marriage has traditionally been determined by the concept of childhood, which across the region was generally seen as a period of life that ended as soon as children attained puberty. Not only does early marriage add to the burden of girls, it also leads to sexual abuse. Non-registration of marriages is another serious problem that allows child marriages to continue.

In South Asia, increasingly violent **ethnic** and **armed conflict** accompanied by persistent and widespread poverty are factors making children more vulnerable to sexual exploitation. Clearly, **poverty** is not the single largest factor contributing to commercial sexual of children. It must be remembered that while poverty is an underlying cause for commercial sexual exploitation of children in South Asia, which interacts with the making of profit from the circumstances of the poor, it cannot be an excuse for it and must be countered through positive advocacy and proactive measures.<sup>52</sup> Although the notion has received little systematic attention, it has been suggested that in areas of conflict where families have lost a male household head, girls lacking a father to protect them may be more vulnerable to sexual exploitation and rape.<sup>53</sup>

National studies have shown that girls growing up in brothels are very likely to follow in their mother's footsteps. Alternative means of living is rarely an option as sex workers and their children are not accepted by the rest of society and children often face difficulties being admitted in schools.<sup>54</sup> With no schooling and often low self-esteem, breaking the vicious circle of second-generational prostitution is quite difficult. Limited access to universal quality education and hence lack of life skills, economic security and social protection increases children's vulnerability to commercial sexual exploitation and child sexual abuse. In South Asia, while some progress in education can be noted, enrolment and retention rate in parts of the region, especially for girls, are far from satisfactory. In addition, the **quality of primary education** is so poor in much of South Asia that little is being learned.

Lack of **birth registration** due to the absence of enforcement systems, limited awareness and cumbersome procedures in much of South Asia has multiple implications. Children whose existence is not legalised lack a clear nationality and official identity of age and location, and are thus more vulnerable to being sold and trafficked. Non-registration of births causes problems in determining victims' ages, depriving them of government-adopted child protection measures. In addition, South Asia is host for a large number of unrecognised refugees.

Whatever factors may be the factors responsible for commercial sexual exploitation of children and child sexual abuse, adequate attention must be paid to the adverse impact of commercial sexual exploitation and sexual abuse on the very life and dignity of children who fall prey to them.





## 2.4 LONG-TERM IMPACTS ON BOYS AND GIRLS

Conditions of prostitution in many South Asian countries resemble slavery. Girls are held in brothels against their will; they are tortured, degraded, beaten and forced into submission through deprivation of food and water.<sup>55</sup>

Sexual abuse and exploitation of children results in physical injuries such as bruises, unwanted pregnancies and infections in the vagina and anus. Sexual abuse and exploitation also subjects children to mental and psychological trauma as well as exposing them to social ostracism and a future of violence and poverty. The notion of 'personhood' of children and women is severely undermined through sexual abuse and exploitation. The psychological and emotional impacts include depression, fear, mental disturbances, sleeping problem and low self-esteem.<sup>56</sup> The trauma the children experience renders them further susceptible to drug abuse, with adult traffickers and other child sex exploiters encouraging drug use and addiction in order to gain more control over the children. Child victims may become both physically and emotionally dependent on their abusers.

The loss of an affirmative sense of self is a serious mental health impact that is often obscured in the processes and procedures involved in recovery and reintegration of the victims.<sup>57</sup>

Moreover, repatriation, rehabilitation and re-integration of children who have experienced commercial sexual exploitation into families and homes is often difficult because of the stigma attached to such children, especially girls. Some families would rather disown their daughters, or have them dead, than have a 'tainted' girl in the family, one with no future possibility of marriage or social acceptance.

Community-based rehabilitation is the most sustainable way of ensuring rehabilitation and reintegration of the victims of sexual abuse and exploitation. However, this may be viable only if accompanied by trauma therapy for the victims and counselling for the family and community. Sustained programmes for community sensitisation and all possible attempts to bring about an attitudinal change are imperative for effective and successful community based rehabilitation. bring about an attitudinal change are imperative for effective and successful community based rehabilitation.

## 2.5 LEGAL FRAMEWORK AND LAW ENFORCEMENT

By ratifying the UN Convention on the Rights of the Child, all countries of South Asia have become accountable to their citizens, including children, and to the international community, to respect, protect, promote and fulfil child rights. They must take deliberate action to ensure the progressive fulfilment of rights and the transparent assessment of progress.

Most countries in South Asia have compiled laws relating to children, but governments have adopted a piecemeal approach to making them conform to the CRC. Although the CRC has to some extent influenced fresh legislation, few child rights laws appear to have been enacted or amended specifically in response to it.



## Who Perpetrates Sexual Abuse and Trafficking?

Child sexual abuse may come from within or outside the family. Often the abuse is perpetrated by someone familiar to and trusted by the child. Abusers are usually men, but are sometimes boys and can also be women. Family members can include immediate relations, other relatives and family friends. Schoolteachers, caretakers, neighbours, community members, religious leaders and local politicians, are also common abusers, although abuse can also be perpetrated by complete strangers. Factors referred to as underlying child sexual abuse include notions of sexuality and masculinity, gender-discrimination and power relations. Failure to understand the needs of a child and notions of 'childhood' are also discussed in the context of addressing child sexual perpetrators. Targeting child sexual abuse also requires an understanding of perpetration as structured around dimensions of sexual fantasy, sexual norms and sexual demands/needs.

The trafficking of children is carried out by individuals or organised crime syndicates through employment agents, local criminals with connivance and assistance from corrupt officials, including local police, border police, officials on duty at the airport, passport officials and so on.

The main approach to legal reform has been to regulate the system in which violations occur by taking an increasingly hard line against the perpetrators. Governments have generally avoided enacting laws that regulate behaviour within the private domain, based on the common assumption that families, immediate or extended, fulfil their obligations to children's rights to the best of their abilities. How to address child sexual abuse within the family remains a challenge.

While measures have been taken to ensure children improved protection from abuse and exploitation, existing laws require re-examination and reformulation to cover the wide range of offences now being witnessed. In addition, ineffective enforcement and judicial procedures are factors exacerbating the problem of child sexual exploitation and abuse, as is the silent collusion of the larger society's general unwillingness to acknowledge or protest this atrocity. Also, few consider the social, economic, cultural and religious environment that sometimes overrides the law and leaves children, especially girls, at great risk. For example, despite a legal minimum age for marriage, custom may dictate that girl children can nonetheless be married before reaching that age.

The gap in law and law enforcement is a common problem across the region. While it has been raised at various platforms and acknowledged by the governments, serious effort is required to address it without any further delay.



## AFTER STOCKHOLM TOWARDS YOKOHOMA

Commitments to address commercial forms of sexual exploitation of children were made in 1996 at the first World Congress in Stockholm by adopting the Stockholm Agenda for Action. As participants in the Stockholm Congress, **Bangladesh, India, Nepal, Pakistan and Sri Lanka** all adopted the Agenda for Action. The Agenda provides a checklist of essential actions that range from criminalising adult exploiters to non-penalisation of child victims and increased protection of children through more effective law enforcement. Other integrated measures to prevent commercial sexual exploitation of children include more access to education, community mobilisation and anti-poverty programmes, recovery and reintegration of child victims and participation of and partnership with children against the phenomenon.

*The following provides an overview of interventions made by South Asian countries after the Stockholm Congress.*

### 3.1 NATIONAL PLANS OF ACTION (NPA)

In **Nepal**, a National Plan of Action (NPA) to Combat Trafficking in Women and Children for Commercial Sexual Exploitation was prepared in co-ordination with ILO/IPEC in 1998. The Cabinet formally approved it in 1999. The NPA includes policy, research and institutional development. Recently, with support from ILO/IPEC, it was reviewed through a consultative process which included children.

**India** adopted a NPA to Combat Trafficking and Commercial Sexual Exploitation of Women and Children in 1998. Salient features of the NPA include awareness generation and social mobilisation, health care services, education and child care, housing, shelter and civic amenities, economic empowerment, legal reforms and law enforcement, rescue and rehabilitation, institutional machinery, and methodology for translating action points into action.<sup>58</sup>

**Pakistan** adopted a NPA to Combat the Worst Forms of Child Labour in 1999, and a Plan of Action against Sexual Exploitation and Abuse of Children has been drafted. While the draft NPA is ready for approval by the Cabinet, the process of consultation with the civil society is still continuing.<sup>59</sup> The draft NPA was prepared by a Core Group of experts. A two-day national consultation was organised to discuss and provide input to the draft NPA. As drafted, the NPA focuses on improved quality of life for all children in a just, human and child-friendly society. It has three distinct components of prevention, protection, recovery and reintegration implemented through a participatory approach.<sup>60</sup>

In **Bangladesh** a 'Core Group' was established in 2001 consisting of NGOs, INGOs and UN agencies, headed by a senior official from the Ministry of Women and Children Affairs. The task of the 'Core Group' and its subsidiary sub national 'Technical' and 'Child Consultation' groups are to create a national policy that addresses both sexual abuse and exploitation



(including trafficking) of children and to identify good practices to combat sexual abuse and exploitation of children. A participatory process led to the development of a National Plan of Action to Combat Sexual Abuse and Exploitation of Children, including trafficking. In addition to being a product of a diverse group including NGOs, INGOs, UN and government representatives, it has sought to ensure the input of divisional and district-level officials and NGO representatives during three sub national meetings. A separate process involved children's input in the National Plan of Action. It was undertaken to ensure that their views were solicited and incorporated in an interactive, yet non-threatening way. Facilitators with extensive experience working with children and promoting children's rights designed the methodology and led the eight consultations held with children.<sup>61</sup>

In **Sri Lanka**, the National Child Protection Authority (NCPA) has developed a draft Plan of Action for combating child trafficking with the assistance of ILO/IPEC in 2001. However, there is no Plan of Action specifically to combat commercial sexual exploitation of children.

Implementing the Plans of Action remains a challenge in many countries and requires concerted political will and allocation of adequate resources. Developing a clear work plan specifying how the NPA will become operational is essential. A work plan will also help in terms of improving co-ordination, identifying gap areas in services or information and in relation to on-going monitoring and evaluation. The development of an NPA has in some cases involved coalition building and co-operation between government agencies, civil society and to some extent children's groups. It can be argued that this has led to better information sharing and raised awareness of child sexual exploitation and abuse in the respective countries.

Most South Asian countries have yet to establish national focal points with effective data bases against commercial sexual exploitation of children. In **Sri Lanka**, however, a Presidential Task Force was set up in December 1997 to plan interventions and programmes on the specific topic of child abuse. One recommendation of the Task force was to establish a National Child Protection Authority (NCPA). Created as an Act of Parliament in January 1999, it is functioning directly under the President as the focal point against child sexual exploitation and abuse. Some of the NCPA functions are to advise the government on national policy and measures regarding prevention and treatment of child abuse, co-ordination with and assistance to the tourist industry to prevent child abuse related to commercial sex networks, consultation and co-ordination with relevant ministries, local authorities, public and private sector organisations, and recommending measures to prevent child abuse and protect victims. The NCPA is establishing a database with the assistance of UNICEF.

Without adequate knowledge and effective data bases in all countries on the extent, forms, causes and impacts of commercial sexual exploitation of children and child sexual abuse, planning for action and carrying out necessary interventions continues to be difficult.



## 3.2 PREVENTION

The Stockholm Agenda for Action defines measures of prevention as improving access to education, relevant health services, recreation and a supportive environment to families, development of gender-sensitive communication, media and information campaigns to raise awareness and educate government personnel and other members of the public about child rights and the illegality and harmful impact of commercial sexual exploitation of children.

- ◆ In **Bangladesh**, the International Organisation of Migration (IOM) through its partner NGOs has begun conducting seminars with members of the police, Bangladesh Rifles and VDP Ansar (para-military units who cannot take legal action, but who help maintain law and security at the village level). IOM seeks to improve the investigation and interview techniques of these officials, and to improve co-operation and co-ordination amongst them to prevent trafficking.<sup>62</sup> Furthermore, the Ministry of Women and Children Affairs and Ministry of Information have sponsored television spots on children's rights, which include discussion on sexual abuse and exploitation.<sup>63</sup>
- ◆ In **India**, specific efforts have been made and are continuing to raise awareness on violence against the girl child in particular. These include appeals in the newspapers seeking solidarity from the citizens to combat sexual exploitation of girls, gender training with the police, child rights and gender training with school principals and teachers, and introduction of child rights as a subject for all civil service trainings programmes. Other preventive measures undertaken by the Government of India are Economic Empowerment schemes for women.<sup>64</sup>

One of the very critical steps towards prevention and elimination of child sexual exploitation and sexual abuse in India has been Public Interest Litigations by NGOs and NGO networks. Night shelters for smaller children of the red light district, an educational support programme for older children, a placement programme for job-seeking children, and other advisory services are some of the programmes run by a Mumbai based NGO called PRERNA<sup>65</sup>, with the objective of eliminating second generation trafficking of children into sexual exploitation. Several other NGOs in India are engaged in providing similar services and other services designed to prevent children from being in abusive and exploitative situations as far as possible.

Co-operation between the Government and the National Human Rights Commission has resulted in efforts to sensitise media on commercial sexual exploitation and child sexual abuse. Another initiative, in Rajasthan, involves an integrated approach for prevention of sexual exploitation among certain groups where girls are 'groomed' for prostitution. Linked to the formal education system, non-formal education has been introduced and service delivery, for example in water and sanitation, has been enhanced through traditional government mechanisms. The local government has been involved, and industry experts are recommending opportunities for alternate forms of income generation.



- ◆ In the **Maldives**, a Child Protection Unit has been operating in the Police Headquarters since May 1999 and investigations with children are conducted by trained police officers in plainclothes. A Special Children's Court was established in August 1997. Workshops have been held to train police officers, counsellors, magistrates, lawyers and trainers in health and education on interviewing and investigation techniques for children and witnesses.<sup>66</sup>
- ◆ In **Nepal**, various NGOs, networks and civil society organisations, Centre for Legal Research and Resource Development (CeLRRD), Agroforestry, Basic health & Co-operatives (ABC-Nepal), Women Rehabilitation Centre (WOREC), Shakti Samuha and B.P. Memorial Health Foundation have provided non-formal education and peer education, including awareness on child rights and life skills, to vulnerable children, in particular to girls.<sup>67</sup>
- ◆ In **Pakistan**, the National Commission for Child Welfare and Development (NCCWD) with support from UNICEF has made several efforts to raise awareness about the CRC and CEDAW among government staff and to build capacities of key groups to implement programmes promoting the CRC and CEDAW. Improved understanding of the CRC is expected to enable government functionaries to enforce legislation and policies in areas like juvenile justice, child labour and child sexual abuse.<sup>68</sup>
- ◆ In **Sri Lanka**, 33 Women and Children Police Desks have been established to ensure a more woman and child-friendly law enforcement system. These desks are headed by women police officers. The major areas of activity include investigating complaints and taking cases to court. Priority is given to child abuse, particularly cases of pedophilia, and domestic violence. The Department of Police has published a Handbook on Child Abuse for Police Officers. The handbook gives practical advice and guidance on how to detect and deal with various forms of child abuse, including sexual abuse. The National Child Protection Authority in Sri Lanka has also produced a teachers' guide on corporal punishment and other forms of child abuse for teachers.



## Creating Partnerships with Children

The number of child-led organisations and children's organisations, where boys and girls work closely with children and community members to promote and educate them on child rights is growing in South Asia. For example; Children's Congress and Child Brigade are child-led organisations in Bangladesh, where girls and boys are actively involved in project design, monitoring and evaluating on children's rights issues in their communities. In India, 'Ektha' (unity) a children's group in Mumbai, works in the red light area with children of sex workers, educating them on child rights, child sexual abuse, commercial sexual exploitation of children and concerns about self-identity.

Innovative methods to raise awareness among children and involve children as partners in decision-making processes related to commercial sexual exploitation of children and child sexual abuse have been facilitated in **Bangladesh, India, Nepal, Pakistan** and **Sri Lanka**. These include participatory approaches aiming at imparting information, knowledge and skills to children and young adults about their rights, and also about the dangers of sexual abuse and exploitation. Techniques include theatre for development, art for participation, experiential learning games and folk media.

In Sri Lanka, the NCPA has, on a pilot basis, established Child Protection Committees with principals, teachers and children as members to promote participation of children on issues related to child rights. It gives the children an opportunity to "participate" in school activities and to be heard in decision making, in matters that affect them. At the same time the aim is to raise awareness of child abuse by providing information on the forms of abuse, and the harmful effects of abuse on children with special guidelines on the detection of child abuse, for , parents and teachers (mainly on assessment and referral procedures) so that the children themselves can act against abuse and violence.

The South Asia 'Change Makers' initiative supported by UNICEF Regional Office for South Asia and Save the Children Alliance - South and Central Asia brought together 16 boys and girls from 7 countries in May 2001 to facilitate dialogue with government and corporate representatives on children's rights. Countries like **Maldives** are now investing in building partnerships with children; the 'Change Makers' Maldives is a group of children and young adults working to address issues related to child rights and child sexual abuse.

Many countries in South Asia have documented positive experiences of using child peer-educators in combating commercial child sexual exploitation and child sexual abuse. In **Nepal**, for example, the B.P. Memorial Health Foundation has incorporated the issue in its peer education programme for secondary school children. In **Bangladesh**, Breaking the Silence has recently developed groups of adolescent girls and boys to impart messages about child sexual abuse through a child-to-child approach. They inform their classmates and arrange discussions with children in their communities.<sup>69</sup>



### 3.3

## PROTECTION

The Stockholm Agenda for Action defines measures of protection as development, strengthening and implementing laws, policies and programmes to protect children from commercial sexual exploitation and to ensure that the service providers, customers and intermediaries in commercial sexual exploitation bear the criminal responsibility.

In most South Asian countries, the major responses to child protection have been legal and policy reform.

- ◆ Most legislation pertaining to children in **Bangladesh** aims at their protection rights, a reflection of the society's protective attitudes towards children. However, the recently promulgated Public Safety (Special Provisions) Act (2000) and the Suppression of Violence against Women and Children Act (2000) take away some assurance of children's rights. The Acts mete out harsh punishments for those convicted of committing crimes of violence, including some forms of child sexual abuse and exploitation against children (under 14 years of age) and women of any age. While it is important to recognise that this law goes further than previous ones to stop violence against children and women, including the provision of harsh penalties for trafficking, rape, dowry-related death, and abduction, the law does not fully accord with the CRC and other international human rights instruments ratified by the Government of Bangladesh.

Section 31 of the Suppression of Violence against Women and Children Act (2000) provides for 'safe custody' for women and child victims during investigation and trial if required. However, NGOs have criticised this, saying that 'safe custody' in practice implies being in prison or prison-like situations.

- ◆ **In Bhutan**, while commercial sexual exploitation is not recognised as an extensive problem, possession and trade in pornography is banned by law. The Rape Act was amended in 1993 and includes specific sections on crimes committed against children. Amendments have also been made to the Marriage Act of 1980 to raise the legal age of marriage of girls to 18 years, establish compulsory registration of marriages, regulate the provision of support for children when couples divorce or when children are born out of wedlock.<sup>70</sup> In 1999, the Immoral Trafficking Act was drafted and is still in the process of being finalised. In addition, a Juvenile Justice Act, drafted in 1999, is being reviewed.
- ◆ **India** has a range of laws dealing with commercial sexual exploitation of children and child sexual abuse. Legal provisions against rape, molestation, sodomoy, procuring minors, buying and selling minor girls, kidnapping and abduction are contained in the Indian Penal Code. In addition, special legislation, for example the Immoral Traffic Prevention Act (1956) and the Karnataka Devadasi Prohibition Act deals with commercial sexual exploitation of women and children. However, while the current rape law does not protect male children although the law on trafficking of children does now extend to boys.





The Law Commission of India has recommended measures to redefine rape laws to prevent the sexual abuse of children and women. Penile penetration is the only assault currently considered as child rape by the law; other objects are not. Additionally, forcing the penis into a child's mouth slips through legal cracks while sodomy is tagged under 'unnatural offences'. Furthermore, no law permits separating a child from parents on grounds of parental abuse, the only ground for separation from parents being desertion of the child.

The new Juvenile Justice (Care and Protection of Children) Act, 2000 addresses the needs of both juveniles in conflict with law and children in need of care and protection by adopting a child-friendly approach in the best interests of children and for their ultimate rehabilitation through various institutions the law established. The changes in the law respond to the principles enunciated in the Convention of the Rights of the Child and thus emphasises "social re-integration" of child victims without resorting to judicial proceedings.

The Department of Women and Child Development has constituted a Central Advisory Committee in 1994 headed by the Secretary, Department of Women and Child Development, with the purpose of reviewing actions taken by Central and State governments in implementing the Plan of Action and of amending the Immoral Traffic Prevention Act. Preliminary guidelines have already been sent to States suggesting methods to curb and/or eliminate trafficking. These methods include appointment of Special Police Officers and the Advisory Board of Social Workers to assist the police and NGOs, counselling in rescue homes and provision of vocational training to rescued children.

- ◆ In **Maldives**, a new Family Law came into effect on 1 July, 2001 stipulating the legal age for marriage at 18 years. Sexual contact is forbidden outside marriage.

Legal provisions relating to children have been reviewed and changes are under consideration. Likewise, in Maldives all forms of physical or psychological violence against children, including sexual abuse, are prohibited, but no legislation deals with commercial sexual exploitation of children. The Juvenile Justice system is being modified to promote child dignity and to pursue social reintegration of young offenders. Some national laws and regulations have been reviewed and amended to facilitate and further the implementation of the CRC. These include efforts to rehabilitate children in conflict with the law rather than to inflict punishment. As an important step towards strengthening the juvenile justice system, a legal review was carried out in 2000 to review whether national laws are in full compliance with the provisions of the CRC.<sup>71</sup>

The prevention of prostitution, including the restriction on advertising, printing, circulation and display of obscene literature, is a principle of policy written into the Constitution of the State of Pakistan. It is also a criminal offence under the Pakistan Penal Code of 1860 (Act No. XLV) to transport or import a girl under the age of 18 years for purposes of prostitution. The Provincial Suppression of Prostitution Ordinance of 1961 is comprehensive legislation related to prostitution.<sup>72</sup>



- ◆ In **Nepal**, the government acknowledges that children's rights are violated by traditional practices and attitudes but has not taken sufficient measures to address the problems legally. Over a period of four years, the government has been drafting and re-drafting legislation to deal with the problem of the sale and trafficking of children, especially girls, or of child sexual abuse, especially within the family and in the workplace. Revisions are still being made including defining children as anyone below the age of 18.

The Children's Act (1992) states that no person shall involve or use a child in 'immoral profession'. Although it prohibits child pornography and involvement of children in selling alcohol, drugs and narcotics, it is unable to address serious issues such as paedophilia because 'immoral profession' is not clearly defined. However, the proposed revisions of the Children's Act seeks to be more specific on the issue of paedophilia and other forms of child abuse. Under the Nepalese law, physical relations with or without the consent of a girl below 16 years is construed as rape and is punishable. The rape law, however, only protects girl children. Incest is strictly prohibited in Nepal and has been defined as a sexual crime committed between the relatives, including children, within seven generations.<sup>73</sup> However, law enforcement continues to be weak.

- ◆ The Constitution of **Pakistan** under its Principle of Policy (Article 37(g)), prohibits the printing and display of obscene literature and advertisements. In addition to this, under the Pakistan Penal Code the sale of obscene books and songs to children less than 20 years of age is punishable by imprisonment or fine. However, the term 'obscene' is nowhere defined in the Code.<sup>74</sup>

While no laws deal specifically with child sexual abuse; the police usually register such cases under the offence of *Zina* (Enforcement of *Hudood*) Ordinance (1979)<sup>75</sup>, which is not for children but can nonetheless be applied since the law considers puberty as the threshold of adulthood. In addition, incest has no special status in law.<sup>76</sup>

- ◆ **Sri Lanka** has amended its laws to incorporate child pornography and unnatural offences within the category of sexual abuse, and has also extended the scope of its law on child sexual abuse to both girls and boys. By this amendment, the definition of child abuse has been widened to include new sexual offences against children, which carry more stringent minimum mandatory penalties. Prior to the amendment, incest was an offence only under the Marriage Laws. The use of children in obscene publications, for exhibition, cruelty, grievous hurt, sexual harassment, procuring, sexual exploitation and trafficking, rape, unnatural offences, gross indecency, grave sexual abuse, and publication of matters relating to sexual offences, all amount to child abuse. An amendment to the Penal Code imposes a legal obligation on producers and developers of films and photographs, to inform the police of indecent or obscene material in relation to children.<sup>77</sup>



While legal reforms and legislation are a positive first step, **effective implementation** is crucial to combat child sexual exploitation and abuse. **Lack of awareness of legal rights** is another impediment in providing justice to the victims. Furthermore, assessing the impact of the legal reforms undertaken is difficult as **data collection** and **monitoring** remains weak. Accurate and consistent data on investigation and prosecution of cases of sexual abuse and exploitation are not always present, so that monitoring of progress remains a challenge. Current laws in South Asia appear to treat the problems of child sexual exploitation and abuse only in terms of punishment, without addressing the situation and the needs of the victims. Inadequate legal aid services and cumbersome legal procedures that further victimise the victims prevent people from using the law as a remedy or for protection.

While legal measures need to be strengthened at national, regional and international levels, it is also imperative to ensure pro-active litigation, invoking whatever legal instruments are available to protect children from being sexually abused and exploited.

### 3.4 RECOVERY AND REINTEGRATION

Recovery and reintegration as defined in the Stockholm Agenda for Action includes provision of social, medical and psychological counselling along with legal aid assistance and judicial remedies to the child victims. It also cites 'alternative means of livelihood' for children who have been rescued from sexual exploitation as a means to guard against further sexual exploitation.

In South Asia, NGOs have for many years been the primary actors involved in recovery and reintegration of child victims of commercial sexual exploitation of children and child sexual abuse. Services provided for recovery includes counselling, non-formal education, vocational training, legal advice, income generation activities and medical care. However, much more attention is required to adequately addressing the mental health impact of sexual abuse and exploitation on children. Many girls rescued from brothels revert to similar situations even after having undergone recovery/reintegration programmes. Loss of an affirmative sense of self is a major factor among several others that lead back to prostitution. Without sensitive attention, reclamation of the affirmative self of the child victim is extremely difficult.

Vocational training with the aim of providing rescued children with alternative means of livelihood is being provided in many South Asian countries. While many children find acquiring a 'marketable skill' that may lead to a good job a dream come true, providing children vocational skills without educating them, especially at young ages, contradicts every child's right to education. Furthermore, vocational training does not always lead to jobs, and the children may then find themselves back on the streets, in the unorganised labour market, in hazardous occupations or even in sexual exploitation. Opportunities for girls and boys also differ. To be effective, rehabilitation must include confidence building in addition to quality vocational and life skill training. This approach will ensure the development of the child's personality as a self-aware individual who can make conscious decisions about life choices.



Reintegration of victims of commercial sexual exploitation, especially girls, into their families has proven extremely difficult due to the stigmas attached to any sexual activity, even if involuntary. However, efforts in this direction must be based on individual circumstances, and must be location specific. Counselling of the child and the family, and long term monitoring and support are required.

While community-based rehabilitation is the ideal and more sustainable form of rehabilitation, alternative institutional care is often the only form of recovery available for most victims. Thus, close attention must be paid to ensuring protection and security of children in these institutions, as there have been reports of abuse and torture of children in institutions all across South Asia. Constant vigilance and monitoring of transparency in such institutions must be ensured. Trained and sensitive personnel who can provide appropriate support to victims of commercial sexual exploitation of children and child sexual abuse seem to be lacking in many such institutions. Countries that provide such care must co-operate with NGOs and other professionals to allow regular monitoring of their institutions.

Across the region many of the homes providing alternative care need enormous improvement. For instance, transit homes in some countries have neglected juveniles, children who are victims of sexual exploitation and abuse, and children who have committed crimes staying together under one roof. These separate categories of children - victims and child offenders - should not be placed together. At the same time it should be recognised that children held in detention or in prison are often victims themselves. A study in Nepal, for example, showed that many arrested children were not aware of the reasons for their arrest.<sup>78</sup>

*Though not an exhaustive list, some of the rescue and/or rehabilitation and/or re-integration services available in various South Asian Countries are as follows:*

## **BANGLADESH**

- ◆ Government run Vagrant's homes – Rehabilitation through shelter, health care, religious education, vocational training etc.
- ◆ Appropriate Resources for Improving Street Children's Environment (ARISE) (UNDP and DSS supported project) – Vocational training
- ◆ Capacity Building, Poverty Alleviation and Sustainable Livelihood of Socially Disadvantaged Women and their Children Project (Department of Social Services and UNDP)– Day shelter homes and creche facilities for children of sex-workers.
- ◆ Aparajeyo Bangladesh – Drop-in centres for street children, Adolescent Girls' Hostel
- ◆ Bangladesh National Woman Lawyers' Association (BNWLA) – Rescue, shelter, medical care, counselling, education and vocational training, job placement and social integration.
- ◆ Association for Community Development (ACD) – Shelter homes for rescued victims of trafficking and sexually exploited girls and boys.
- ◆ Association for Correction and Social Reclamation – Shelter for the Destitute
- ◆ Chotto Mori Shodon (Little Children's Home) – Government run home providing shelter to victims of sexual exploitation in Rajshahi, Dhaka and Chittagong.



## BHUTAN

- ◆ Youth Development and Rehabilitation Centre (YDRC) – Development and rehabilitation of youth in conflict with law through counselling, recreational facilities, vocational training.

## INDIA

- ◆ 80 protective homes for girls and women detained under the Immoral traffic (prevention) Act, 1956.
- ◆ Short Stay Homes under the sponsorship of Department of Women and Child Development, Ministry of Human Resource Development.
- ◆ State run Juvenile homes under the Juvenile Justice Act.
- ◆ Development and care centres run by NGOs with sponsorship from the Central Social Welfare Board.
- ◆ Devadasi Rehabilitation and Training scheme of the Government of Karnataka operates in six districts and among other services, provides residential school facilities for children of Devadasi's in the 18-25 years age group and for other children.
- ◆ Special juvenile homes set up by the Government of Maharashtra with facilities for counselling, vocational training and a health unit for child prostitutes infected with HIV.
- ◆ Jawali Yojana – a rehabilitation scheme of the Government of Madhya Pradesh targeting children from the 'Bedia' community.
- ◆ PRERNA (Mumbai) – Services for children of prostitutes - Night care centre for smaller children; Educational support programme for the older children; Placement programme for job-seeking children and other advisory services.
- ◆ St. Catherine's Home (Mumbai) – Shelter, care, cure for physical ailments, exposure to education about HIV/AIDS, counselling, spiritual support in the form of meditation and exercise.
- ◆ Joint Women's Programme (New Delhi) – Creche, education and health care services and awareness activities for women and children in the brothels of G.B. Road in Delhi.
- ◆ Bharatiya Patita Uddhar Sabha (New Delhi) – Education for children of prostitutes, admission of children of prostitutes into government run protective homes.
- ◆ Child Line (Delhi, Mumbai, Calcutta and Bangalore) – Rescue, shelter, medical care, psychological counselling, tutoring and vocational training, job placement and social integration.
- ◆ PRAYAS (New Delhi) – Institutional care, non-formal education and vocational training to destitute and neglected children.
- ◆ Sanlaap (Kolkata) – Shelter home for rescued girls, facilitating repatriation in cases of inter-country trafficking, childcare programmes.



## MALDIVES

- ◆ Education and Training Centre for Children (under the Unit for the Rights of the Child, Ministry of Women's Affairs and Social Welfare) – Residential care for neglected, abandoned, delinquent boys between 9-16 years.
- ◆ Juvenile Detention Centre at Gaamaadhoo (set up with assistance from UNICEF in 2000) – Shelter, food, health care, counselling, education etc.

## NEPAL

- ◆ The Nepal Government: A women self-reliant and rehabilitation Pilot Programme for groups at risk from 26 trafficking prone districts in the field of social mobilization and income-generating skills.
- ◆ CWIN – Shelter home, counselling, non-formal education, vocational training, legal advice, medical care, income generation activities, reintegration and follow-up.
- ◆ CVICT – Medical and psychological counselling for victims of sexual exploitation, educational sponsorship programme for rape victims, children of prisoners, children of torture victims and domestic violence.
- ◆ Maiti Nepal - Rescue, recovery (shelter, vocational training etc.) and re-integration.
- ◆ WOREC - Shelter home, counselling, non-formal education, vocational training, legal advice, medical care, income generation activities.
- ◆ ABC Nepal- Rescue, recovery (shelter, vocational training etc.) re-integration and family counselling.
- ◆ Stri Shakti - Rehabilitation through shelter, counselling, medical care, vocational training, etc.
- ◆ Santi Punarsthapana Kendra – Shelter.
- ◆ Shakti Samuha – Counselling and psychological support to survivors.
- ◆ Nav Joti- Rescue, recovery (shelter, vocational training, counselling, legal advice, etc.) and reintegration and re-integration, family counselling.
- ◆ LACC – Legal aid services to child victims.

## PAKISTAN

- ◆ Government run Nigheban Centres – Recovery and restoration of lost and kidnapped children back into their families.
- ◆ War Against Rape (WAR) – Counselling to victims of rape and sodomy
- ◆ Lawyers for Human rights and legal Aid (LHRLA) (Karachi) – Legal aid, referral service for exploited and abused children.
- ◆ SUCH (Islamabad) – Healing, shelter and health care
- ◆ ROZAN (Islamabad) – Counselling to victims of child sexual abuse.



## SRI LANKA

- ◆ Government run remand homes/ certified schools and houses of detention - Recovery through shelter, food, education etc.
- ◆ Don Bosco (Negombo) – Rescue and recovery for boy victims of sexual exploitation, shelter, healing, non-formal education, spiritual education, recreation, vocational training.
- ◆ Nisala Diya Sevena (Still Waters) (Negombo) – Shelter home for abused and exploited girls and women, spiritual healing and integral development, counselling, skill training, re-integration and restoration into families and society.
- ◆ Meth Sevene (Government run home) – shelter, counselling to prepare victims for re-integration, vocational training and follow-up on re-integration.
- ◆ ESCAPE – Drop-in centre for sexually exploited girls and boys at Dehiwala beach, psycho-social counselling, legal advice are included.
- ◆ The Girl Child Centre of the YWCA (Colombo) – Drop-in centre for victims of sexual abuse.
- ◆ Community Health Foundation (Negombo) – Recovery and reintegration of victims of exploitation back to the family, school and society. Counselling is an integral part.
- ◆ Sarvodaya Street Children Programme – Night shelter for street children, crisis intervention centre, counselling and education are included.

## 3.5 CO-ORDINATION AND CO-OPERATION

The Stockholm Agenda for Action encourages better co-operation between countries and international organisations and co-operation between government and non-government sectors to plan, implement and evaluate measures against commercial sexual exploitation of children.

The 1997 South Asian Regional Association (SAARC) Summit in Male, Maldives was the first forum in South Asia in which the commitment to commonly address the problem of trafficking was reflected. A declaration was adopted recognising the need to co-ordinate efforts and effectively address the issue. The SAARC draft Convention for Preventing and Combating Trafficking in Women and Children highlights the priority being given to this phenomenon and is being put in place specifically to address the problem of trafficking. However, while the draft Convention has been ready for adoption since 1998, the political situation in the region has recently prevented any SAARC High Level Meetings from being held. Thus the Convention remains a draft, though it is proposed for adoption in early January 2002.

The purpose of the Convention as drafted is to promote cooperation amongst Member States to effectively deal with various aspects of “prevention..., repatriation and rehabilitation of victims of trafficking and prevent the use of women and children in international prostitution networks...”. The Convention sets standards in terms of punishment of persons who are promoting trafficking; it seeks to ensure that the confidentiality of the victims of trafficking is being maintained and that State Parties provide each other mutual legal assistance in cases



of trafficking, including aspects of extradition and prosecution. The Convention, as drafted, has been criticised by, among others, the UN Special Rapporteur on Violence against Women, for lacking conceptual clarity and for not distinguishing between women and children. In addition, trafficking is mainly linked to prostitution. The Convention is essentially strong on law enforcement and weak on the economic and social rights of the victim.<sup>79</sup>

Various regional and national task forces and working groups have been established to address the issue of commercial sexual exploitation of children. These include initiatives by UN Agencies for anti-trafficking operations. The major thrust has been increased sharing of information and data through sharing of good practices.

A Regional UN Task Force on Trafficking and HIV/AIDS is being co-ordinated by UNDP. It has a South and Southwest Asia Project on HIV/AIDS and Development that focuses on trafficking of women and girls and related issues of migration, advocacy, legal and ethical concerns.<sup>80</sup> UNIFEM is establishing a South Asia Anti-Trafficking Information Centre at its Delhi office to promote stronger collaboration among NGOs working on anti-trafficking projects and greater exchange of information on prevention and prosecution programs.

Despite collaborative initiatives between government, donors and NGOs, much of the action is being implemented by the NGOs. Inter-departmental co-ordination within governments and within agencies, international, government and non-government, still remains a challenge in South Asia.





## CONCLUSIONS AND RECOMMENDATIONS

Commercial Sexual Exploitation of Children and Child Sexual Abuse are the worst forms of child abuse and gross violations of child rights. As outlined in the Stockholm Agenda for Action, measures including prevention, protection, recovery and reintegration, co-operation/co-ordination, and child participation are crucial in addressing the phenomenon of commercial sexual exploitation of children and child sexual abuse. In addition, all actions should be guided by the CRC principles of non-discrimination, the best interest of the child, the child's right to life, survival and development, and respect for the views of the child.

While several positive steps have been taken in the region since Stockholm to address the issue, the gravity of the problem of commercial sexual exploitation of children and child sexual abuse in South Asia suggests that much remains to be done to fulfil the Stockholm commitments. Applying zero tolerance against commercial sexual exploitation of children and child sexual abuse requires concerted efforts at all levels; local, national and regional. This demands more effective implementation of the CRC and other international instruments, and the enforcement of national laws. The up-coming Second World Congress against Commercial Sexual Exploitation of Children in Yokohama must therefore be followed by effective measures of implementation, establishment of feasible monitoring systems and better research methodologies, facilitating comprehensive data collection.

It must be recognised that combating commercial sexual exploitation of children and child sexual abuse will require addressing the factors perpetuating the root causes and consequences of exploitation and abuse. Factors that generate and contribute to a demand for use of children as sexual objects and as a commodity need specific attention and call for immediate intervention. For South Asia, complex issues of globalisation and its impact on resource poor households, the feminisation of poverty, all forms of discrimination, migration and poor education must all be addressed. This calls for broad partnerships incorporating all concerned sectors of governments, key actors of civil society, including children and young adults, and the private sector. Implementation measures need to be co-ordinated in effect and complementary in nature with clearly identified impact assessment indicators built into on-going monitoring and evaluation mechanisms.

While both girls and boys are sexually exploited and abused, a large majority of exploited children in South Asia are girls. Strategic frameworks and actions to address child sexual exploitation and abuse must be tailored to meet its specific gender dimensions.



## 4.1 RECOGNITION OF CHILDREN AS CHILDREN

The Convention on Rights of the Child defines a child as a person below the age of 18 years. Although all South Asian countries have ratified the CRC, children in South Asia are often forced to function as adults within families and communities. The interpretation of who is a child is thus coloured by cultural, social and economic realities. Effective prevention and protection of children from commercial sexual exploitation and abuse requires a clear recognition that girls and boys under 18 must be treated as children, with special rights due to that status.

- ◆ **Advocating CRC definition of a child:** Regardless of the age of sexual consent, the age of protection against commercial sexual exploitation should be extended to all children as defined in the CRC as girls and boys below the age of 18 years.

## 4.2 PROTECTION THROUGH LEGAL REFORM AND LAW ENFORCEMENT

As signatories to the CRC, States have a fundamental duty to ensure an effective and adequate legal framework that protects all children from commercial sexual exploitation and abuse. States are also accountable to ensure that the laws are effectively enforced and that families, as primary duty bearers, do protect children from exploitation and abuse. This report indicates that the existing legal framework and enforcement measures in South Asia often fail to protect children in a comprehensive and holistic manner. In some cases, the laws do not provide equal protection to girls and boys. For example, the rape laws in several countries provide no protection to boys.

Changes in the law itself will not yield any positive results without the development of more effective implementation measures. There is a significant requirement for capacity building in the development of knowledge levels, legal tools and policy documents to ensure that people, including children and young people, are aware of national laws and international instruments and that the legal/judicial system is capable of enforcing new laws in this area.

In South Asian countries, the legal frameworks do not always guarantee child victims of commercial sexual exploitation the child-friendly, gender-sensitive protection and treatment necessary to prevent further trauma and abuse. As a culture of impunity often prevails, the perpetrators frequently remain unpunished.

For trafficking in particular, conceptual clarity and a rights-based approach is of utmost importance for effective preventive measures. Targeted efforts are required to capture the trafficker and prevent trafficking so that the vulnerability of girls and women is not exploited. Attempts to block the social mobility of women and girls is not an appropriate solution.



- ◆ **Legal Reform:** Review existing laws in the light of CRC and other relevant international instruments, such as the CEDAW. Where necessary, undertake revisions and introduce new laws for child protection. For example, the minimum age for sexual consent should be the same for boys and girls.
- ◆ **Policy Implementation:** Implement National Plans of Action against Commercial Sexual Exploitation. Design realistic timeframes for implementation of committed activities with mechanisms for accountability.
- ◆ **Law Enforcement:** In addition to legal reform, strengthen efforts at effective law enforcement. Provide adequate financial resources allocated for effectual implementation of laws.
- ◆ **Child Friendly Procedures:** Ensure that trial procedures are child-friendly and gender-sensitive, and that they consider the child's age and abilities. This requires appropriate child rights training of lawyers, judges and law enforcement officials.
- ◆ **Humane Treatment of Child Victims:** Treat child victims humanely and do not penalise them as criminals. It must be established that the criminal responsibility rests with the perpetrators.
- ◆ **Pro-active litigation:** Litigation that allows concerned citizens to draw the attention of the court of law to address breach of any national and international human rights and child rights commitment of a nation and that reinforces such commitments that protect children from all forms of exploitation and abuse must be encouraged.

## 4.3 PREVENTION

### AWARENESS RAISING

There is a need to raise the levels of awareness and the acceptance of child sexual exploitation and abuse in South Asia. Prevention measures against child sexual abuse and exploitation must be improved and increased in number. Poverty, religious and socio-cultural factors along with strong patriarchal structures perpetuate the low status of women and girls and the impunity of male violence. Limited opportunities for quality basic education, particularly for girls, and the 'culture of silence' and denial surrounding child sexual exploitation and abuse contribute to children remaining vulnerable to sexual exploitation and abuse.

- ◆ **Challenge Social Inequity:** Reinforce positive cultural values and practices that protect and promote the rights and the dignity of women and children. Build partnerships with men and boys on confronting the root causes of gender inequality.
- ◆ **Promote Media Campaigns:** Support gender-sensitive mass media campaigns to raise awareness about children's rights in general and child sexual exploitation and abuse in particular.
- ◆ **Ensure sensitive media coverage:** Specific advocacy efforts are required to sensitize media and ensure extensive, wide and sensitive coverage of commercial sexual exploitation of children and child sexual abuse, which does not lead adversely affect the identity and dignity of the victims. Media should also be made aware of the misconceptions about



sexuality, masculinity and sexual norms that form the context in which child sexual abuse is allowed to take place.

- ◆ **Education for all:** Governments must ensure universal, free, and quality education for children up to the age of 18 years. The principle of equal opportunity to education must apply equally to all including the girl child, the disabled, street children, refugee children, and other such categories of children in vulnerable situations.
- ◆ **Advocate Girls' Education:** Maximise opportunities for quality education as a means of improving children's, especially adolescent girls', status and ability to secure their futures.
- ◆ **Provide life skills programmes:** Introduce training in life skills in schools and out of schools for young girls and boys. Knowledge building and skills such as negotiation, conflict resolution, critical thinking, decision-making and communication, are essential for young people to protect themselves. Sexuality and sexual behaviour are integral to human lives; with a growing rate of sexual crimes against children, it is important to raise awareness on these issues among children who are always vulnerable to sexual abuse. Denying children the opportunity to discuss matters that affect their lives is denial of children's right to information and participation.

#### Improved economic security

- ◆ **Check** growing unemployment and loss of traditional sources of livelihood due to globalisation and structural adjustment programmes undertaken without adequate checks and balances.
- ◆ **Ensure** living wages for adults, especially in the agriculture and unorganised sectors.
- ◆ **Invest** in strengthening the economic security of poor and marginalised families to offer viable alternative sources of income, especially for women-headed households.
- ◆ **Establish** self-help credit groups and people's co-operatives to ensure empowerment and self-reliance. Develop economic skills and opportunities for adolescent girls.
- ◆ **Advocate** for effective and adequate labour laws and their enforcement. Living wages for all must be a priority.
- ◆ **Promote** the right to adequate housing as defined by the Habitat Agenda.

#### Others

- ◆ **Support Social Protection Measures:** Invest in community-based initiatives for prevention of sexual exploitation and abuse, for example neighbourhood watch committees, community surveillance groups and social mobilisation.
- ◆ **Mainstream Protection:** Advocate for child protection to become the responsibility of local governance structures and a core part of decentralised governance mechanisms.



- ◆ **Ensure compulsory registration of births and marriages:** Registration of births and marriages can be a major step in preventing children, especially girls, from being trafficked for sexual exploitation.

#### 4.4

### RECOVERY AND REINTEGRATION

Insufficient examples can be found of truly successful recovery and sustainable holistic reintegration of victims of child sexual exploitation. Safe and adequate facilities to house girls and boys who have been rescued are in short supply in all countries in the region. Child victims, especially girls, are often treated as guilty and this stigmatisation frequently hinders their smooth reintegration into their families and communities.

When family members have been directly involved in children's abuse, or in the process of trafficking, little social support, including counselling, has proved effective. Psychosocial counselling to the perpetrator with the aim of changing behaviour hardly exists. A single generalised approach will not suffice; the issue must be addressed according to the individual child's age, gender and background.

- ◆ **Provide Family Counselling:** Facilitate social, medical, psychological counselling to child victims and their families.
- ◆ **Ensure sensitive mechanisms that help the child victim reclaim her/his affirmative sense of self:** It is imperative that the mental health impact on a child victim of sexual abuse and exploitation is adequately and sensitively addressed. For successful recovery and re-integration, efforts at psychological counselling and trauma therapy must specifically help the victim reclaim an affirmative sense of self.
- ◆ **Strengthen Support Services:** Ensure the presence of wide ranging referral services for immediate support for child victims, such as crisis centres, help lines, counselling and medical aid, including for children affected by AIDS.
- ◆ **Create Safe Spaces:** Establish child-friendly and child-centred safe transit homes of rescued girls and boys. Ensure that systems and structures respect the diversity and special needs of each child.
- ◆ **Build Social Accountability:** Strengthen skills of social service providers, religious and community leaders through training on psycho-social support methodologies and para-professional services.
- ◆ **Provide Long- term Support:** Create opportunities for education and vocational training/ sustainable livelihood training with assistance in becoming self-reliant.
- ◆ **Develop Monitoring Mechanisms and Research:** Build partnerships with research institutions and universities to conduct studies, to design indicators and to map impact of recovery and reintegration processes.



## 4.5 COLLABORATION AND CO-ORDINATION

While progress has been made in terms of collaborative initiatives among governments, NGOs, UN-agencies and other actors, much remains to be done. The lack of effective networks, common frameworks and accountability mechanisms, sharing experiences and lessons learned contributes to poor co-ordination and the scarcity of reliable sources of information and statistics. Regional co-operation among governments is essential if trafficking of girls and boys for sexual purposes is to be eradicated in South Asia. However, a regional legal framework in itself cannot solve the problem. It must be supplemented with a regional monitoring mechanism as well as regional co-operation among law enforcement officials.

- ◆ **Advocate Global Commitments:** Support and ensure that countries that did not attend the First World Congress adopt the Stockholm Agenda for Action.
- ◆ **Support Linkages:** Foster close interaction and co-operation between government and non-government agencies.
- ◆ **Provide Resources:** Establish a regional focal point to support follow-up processes after the Second World Congress.
- ◆ **Establish Mechanisms:** Develop implementation and monitoring mechanisms at all levels.
- ◆ **Initiate Knowledge Networks:** Establish regional and national databases, build knowledge centres on sexual exploitation and abuse, and develop indicators valuing both qualitative and quantitative data.
- ◆ **Improve Birth Registration Systems:** Advocate for improved national birth registration mechanisms to ensure identity and legitimate status for girls and boys.
- ◆ **Improve marriage registration systems:** Advocate for improved marriage registration systems to ensure protection of girls from early marriage and sexual exploitation. Simple registration procedures will help people use them.

## 4.6 CREATING PARTNERSHIPS WITH CHILDREN AND YOUNG ADULTS

Children have the right to express their views and take part in making decisions on issues that affect them. The Preparatory Processes for the Global Movement for Children and the UN Special Session on Children have demonstrated the value of children's participation and partnership in decision-making processes. Many initiatives in South Asia are beginning to effectively work with children in design, implementation and evaluation of programmes against child sexual exploitation.

- ◆ **Enabling Inclusion:** Include children and young adults as equal partners in research, and in designing policies, programmes and projects against Commercial Sexual Exploitation of Children and Child Sexual Abuse. Enable their inclusion in existing regional, national and local networks, task forces and community level processes. Special strategies for ensuring inclusion of those children affected by sexual exploitation, abuse, and HIV/AIDS.



- ◆ **Enhancing Capacity:** Enhance children’s capacities to address Commercial Sexual Exploitation of Children and Child Sexual Abuse through raising their awareness regarding child’s rights and giving them opportunities to advocate about this issue together with other adult and child activists.
- ◆ **Sensitising Adults:** Encourage and educate adults at local, national and regional levels about children’s rights and their capabilities to participate in decisions that affect their lives.
- ◆ **Support Community Responsiveness:** Support child activists to develop strategies and initiate follow-up actions with children in communities to build their awareness and skills in combating Commercial Sexual Exploitation of Children and Child Sexual Abuse.
- ◆ **Accessing Information:** Prepare child friendly versions of documents and material related to Commercial Sexual Exploitation of Children and Child Sexual Abuse for community level dissemination.

# P R O C E E D I N G S

## South Asia Consultation for the 2<sup>nd</sup> World Congress Against Commercial Sexual Exploitation of Children Dhaka, 4-6 November 2001

*“I want to challenge this world and ask people how they can continue to let things like this happen? How can they allow children to live unprotected while those who commit violent crimes against them go free? How will the world take responsibility for children and protect them from violence, sexual abuse and exploitation?”*

*Question by a South Asian girl*

1

### INTRODUCTION

The South Asia Consultation for the Second World Congress against Commercial Sexual Exploitation of Children was held in Dhaka between 4-6 November 2001. The Consultation was one of six such regional meetings organised by UNICEF world wide in preparation for the Second World Congress against Commercial Sexual Exploitation of Children, to take place in Yokohama between 17 -20 December 2001.

The South Asia Consultation brought together approximately 140 participants; senior government officials from the seven South Asian countries, including three Secretaries, international agencies and NGOs; children and young adults selected for their active work against child sexual exploitation and abuse in the region. All the organisers of the upcoming Second World Congress against Commercial Sexual Exploitation of Children were represented. This included the Ministry of Foreign Affairs, Government of Japan; UNICEF; End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes (ECPAT); and the NGO Group for the Convention on the Rights of the Child. UNICEF HQ and UNICEF Country Offices from all South Asian nations were represented as was the UNICEF Regional Office for East Asia and the Pacific (EAPRO). The Secretariat of the South Asia Association for Regional Co-operation (SAARC) Secretariat also participated in the Consultation.

### KEY ACHIEVEMENTS OF THE SOUTH ASIA CONSULTATION

- ◆ The South Asia Strategy to combat Commercial Sexual Exploitation and Child Sexual Abuse was unanimously adopted.
- ◆ The problem of Child Sexual Abuse (CSA), while not specifically included within the purview of the First and Second World Congresses against Commercial Sexual Exploitation of Children, was incorporated for consideration in the South Asian Consultation upon wide recognition of the particular gravity of the problem in this region.
- ◆ Children and young adults participated actively as equal partners in the South Asia Consultation providing useful insights and sharing their experience in working against commercial sexual exploitation and child sexual abuse in South Asia.





The Consultation agenda provided for presentations by each of the seven South Asian nations, all signatories to the UN Convention on the Rights of the Child (CRC), and - with the exception of Bhutan and Maldives -to the Stockholm Declaration and Agenda for Action. Other organisations were also invited to present the preparations being made for the South Asia Consultation as well as for the up-coming Second World Congress against Commercial Sexual Exploitation of Children in Yokohama. As co-host of the meeting, the UNICEF Regional Office for South Asia (ROSA) was represented by the Deputy Regional Director and Regional Advisors for Planning, Communication, and HIV/AIDS. The UNICEF ROSA Child Protection and Gender team was primarily responsible, with UNICEF Bangladesh, for planning and facilitation of the meeting.

Feeding into discussions on the South Asia Strategy was a series of six thematic group discussions led by expert resource persons. These covered the key issues crucial to an understanding of commercial sexual exploitation of children and child sexual abuse.

The development of the South Asia Strategy was an integral part of the entire meeting, with a Drafting Committee being formed at the Consultation's first working session, facilitated by Ms. Deena Haq, Joint Secretary, Ministry of Women and Children Affairs (MOWCA), People's Republic of Bangladesh. This Committee met frequently between sessions to construct a document that would incorporate the viewpoints of all the Consultation's delegates. The Committee consisted of senior representatives of each South Asian government, two representatives nominated by NGOs, two nominated by the child and young adult participants and two members of the Secretariat from UNICEF Regional Office for South Asia (*See Annexure 8 for list of members of the Drafting Committee*). Three drafts were presented to the plenary during the course of the two-day meeting, with feedback from the floor being incorporated into each new draft through the drafting committee members. By the final session, consensus was obtained by affirmation from the floor.

The Consultation succeeded in arriving at a South Asia Strategy, despite the time constraints. The South Asia Strategy provides a situation analysis and presents a series of understandings and commitments agreed upon by all participants. It endorses a set of strategies in the following areas: Protection; Enacting Laws and Ensuring their Implementation; Preventive Measures; Recovery and Reintegration; Collaboration, Co-ordination and Capacity Building; and Creating Partnerships with Children and Young Adults.

## 2

### PRE-CONSULTATION PREPARATIONS IN SOUTH ASIA

In most countries in the region, national preparations for the Second World Congress against Commercial Sexual Exploitation of Children have been undertaken. In **Bangladesh** a 'Core Group' was established in 2001 consisting of NGOs, INGOs and UN agencies, headed by a senior official from the Ministry of Women and Children Affairs. The task of the 'Core Group' included the development of a background paper on "Good Practices and Priorities to Combat Sexual Exploitation and Abuse of Children in Bangladesh," holding eight consultations with children to receive their recommendations and feedback for the paper. In **Pakistan**, representatives of 20 NGOs and relevant government departments met in October 2001 as a National Core Group for a day-long workshop to give inputs for the country



presentation, identify good practices and establish a co-ordination mechanism for the South Asia Consultation. In **Nepal**, an NGO group was established in early 2001 to prepare a situation assessment and analysis report on commercial sexual exploitation and child sexual abuse. A national consultation was also organised by the NGO group with support by ILO/IPEC and UNICEF, that involved the Government, NGOs, INGOs and children. In **Sri Lanka** a national consultation was organised prior to the South Asia Consultation led by the National Child Protection Authority of the Government of Sri Lanka.

The Government of **India** and UNICEF recently facilitated three regional workshops on the issue of trafficking. The first of such workshops, held in Bangalore on October 16 – 17, 2001, was attended by representatives of the southern states of Andhra Pradesh, Karnataka, Tamil Nadu, Kerala and Pondicherry. The workshop objective was to promote State Government action in partnership with NGOs and other key State-level authorities such as the Police, Judiciary and Medical Services on implementing the Plan of Action for the Elimination of Trafficking and Sexual Abuse of Children. The deliberations concluded with consensus for concerted efforts to address the growing problem of trafficking and sexual abuse of children in Southern India.

**Bhutan** and **Maldives**, although not participants at the First World Congress against Commercial Sexual Exploitation of Children, have nonetheless taken several initiatives to follow up on their ratification of the CRC, and thus ensured high level representation at the South Asia Consultation in Dhaka.

Preconsultation meetings for children and young adults were held in several countries as part of the process of facilitating their active participation during the South Asia Consultation. The UNICEF Regional Office for South Asia (ROSA) provided a resource person to meet with nominated girls and boys and their NGOs and translators to share key documents and brief them on the regional and global processes.

3

### CHILDREN AND YOUNG ADULTS PREPARATORY WORKSHOP

A group of 20 children and young adults, together with their translators, convened on 3 November to prepare for the South Asian Consultation. The UNICEF Regional Office for South Asia strongly believed and advocated for children and young adults to be equal partners in the Consultation. This position affirmatively reiterated Article 12 of the CRC assuring children the right to “express their views freely in all matters affecting (them)”. A concept note was developed and circulated throughout the region to invite children and young people who have been working with NGOs, as young activists and not as victims.

The South Asia consultation provided a supportive environment and special facilitation, enabling the children and young adults to participate actively. They received a child-friendly version of the Regional Situation Analysis and the draft South Asia Strategy. From the outset of the meeting, various activities enabled them to quickly come to know and trust one another. Children from Bangladesh had prepared a welcoming ceremony that used a rope of jasmine and rose buds as a symbol to bind the group together for their common purpose.



## A PROFILE OF THE YOUNG PARTICIPANTS

- ◆ 13 girls and 7 boys, between 14 and 22 years old.
- ◆ Most have been actively working against Commercial Sexual Exploitation of Children and Child Sexual Abuse at the community level.
- ◆ One boy and one girl represented the Maldives “Changemakers” group, which had identified Child Sexual Abuse as a serious problem during their May 2001 workshop.
- ◆ The two participants from Bhutan were invited as observers, but played an active role during the Consultation.
- ◆ Among the group many were familiar with techniques of theatre for development and art for development and experiential learning games. Thus they joined quickly in their work and succeeded in creating presentations that graphically illustrated the situation facing their peers in their home countries.

Welcoming the children and young adults to the Consultation, Ms. Shahida Azfar, Country Representative of UNICEF Bangladesh, spoke of the ‘tremendous ideas and creative thinking’ that resulted from earlier children’s consultations in the region such as the High Level Meeting in Kathmandu, Nepal in May 2001, and said they should become great advocates for children on all issues that affect their lives. Dr. Waheed Hassan, Deputy Regional Director of the UNICEF Regional Office for South Asia, called them ‘resource people’ for the Consultation and encouraged their active participation to give the other delegates more understanding of the problems children face due to sexual exploitation and abuse. Ms. Deena Huq, Joint Secretary, Ministry of Women and Children Affairs (MOWCA), Bangladesh, said that the government was ‘totally with’ its children, and eager to learn from them.

*“All of us in this circle come together in a commitment to work against what we want to end.”*

*“Since we all have the same objective – to end the problem of sexual exploitation – we should feel no fear to speak whatever is in our minds.”*

*Children of Bangladesh to their South Asian friends*

The children and young adults worked in three thematic groups, focusing on trafficking, child sexual abuse and prostitution. Each group had several issues to consider regarding these problems:

- ◆ What are the effects, on the child, on their family, on the society at large?
- ◆ How can children and young people address the problem and prevent it?
- ◆ How can we create a society where this does not happen at all?
- ◆ Who can children and young people form partnerships with, and how?



Their final task was to present the most significant finding of their discussions through drawing, mime, theatre, song or dance. This assignment led to intense work and animated discussions with detailed cross translation among the participants' various languages. By the following morning each group had prepared a brief skit, all three emotive and compelling, expressive of actual pain and experience.

### CHILD PROSTITUTION

A seven-year-old girl struggling to survive on the street is nabbed by the police and dragged into a vagrants home. There the caretaker first wins her trust and then rapes her, causing her to once again run away to the street. Befriended by some older sex workers, she learns their ways and yet another small girl enters the oldest profession in the world.

### CHILD SEXUAL ABUSE

A young boy, wounded and in pain from abuse suffered at home covers in a corner. Befriended by an older man, he is fed and lured off, only to be once again sexually abused. A family friend finds him and returns him to his home, explaining to his parents what happened. A raging father and weeping mother finally take the child, now stiff with fear, first to a doctor and then to the police. The brutal father forces him to tell his story to the police officer, who sends him back again to the doctor for proof of the injury to his body, the injury to his soul all too apparent on his face. The police track down his molester, who receives a 15-year jail sentence, but who can help the child cope with his trauma?

### CHILD TRAFFICKING

On her way to school a 10-year-old girl is approached by an unknown man who insists he is her uncle just returned from a long stay in Saudi Arabia. He gives her candy and takes her away, drugs her senseless and rapes her. Waking, she is distraught to the point of madness as he whisks her to the border in an attempt to traffic her. Suddenly she is recognised and rescued, returned to her family. Loved by her mother, her father can no longer accept her and the two parents fight constantly while the child can only weep. Where can she turn after her family rejects her?

The children also shared drawings and dances, and prepared statements expressing their resolve, but the three harrowing dramas most clearly brought home the reality of child sexual abuse and exploitation and the emotional pain it brings. These stories reflect life situations of which the participants well aware; they provide the background for their firm commitment to protect others from this agony. Thus all the children strove to heed the advice of one of their peers who said, *"Don't be shy. Forget about 'who am I?' We are boys and girls who must express our experiences. Let's agree now that we'll all be active participants. Say YES for children!"*



These young participants also had the opportunity to evaluate both their workshop and the South Asia Consultation. Overwhelmingly positive about their preparation, they found the workshop both fun and effective and the facilitation very useful. Regarding the main Consultation, they all believed they had sufficient opportunity to participate in the plenary discussions, and to a lesser degree in the small groups and the Drafting Committee. They did, however, feel that many of the adults spoke too much, repeating what had already been said. This they found a waste of time!

### COMMENTS FROM CHILDREN AND YOUNG ADULTS

*“We participated with adults on equal terms. Our ideas and views were seriously considered. For the first time we had one-to-one discussions with our government representatives. But some children were not given the opportunity to participate fully due to their language barrier.”*

*“Before the main meeting adults should be trained how to work with children.”*

## 4

### SOUTH ASIA CONSULTATION FOR THE SECOND WORLD CONGRESS AGAINST COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN AND CHILD SEXUAL ABUSE

#### 4.1 INAUGURATION

The Consultation opened with an Inaugural Session to which a wide variety of guests were invited including officials of the Government of Bangladesh members of international development organisations and donor agencies. Inaugural speakers were representatives of the Ministry of Women and Children Affairs, Bangladesh; UNICEF Bangladesh; the child and young adult participants; the UNICEF Regional Office for South Asia; and the ILO.

Welcoming the delegates, Mr. K.M Ehsanul Haq, Secretary, Ministry of Women and Children Affairs, People’s Republic of Bangladesh, noted that while child sexual exploitation and abuse is a world-wide phenomenon, this South Asian Consultation could lead to a particular perspective and solution meeting the characteristics of South Asian societies. “Through collaboration we can become more effective,” he said.

Ms. Shahida Azfar, Representative, UNICEF Bangladesh, noted the many children affected by child sexual abuse and the particular gravity of the problem in South Asia. Traditional values on gender roles and sexuality lead to shame and social stigma, and keep the problem hidden. “The silence on sexual abuse and exploitation must come to an end,” she said. The Consultation was designed to bring convergence of ideas and experiences to combat this “scourge against children”.



***“We are waking up to the awful reality that sexual abuse of children is not sporadic, but widespread, and that it affects large numbers of children’s lives, futures, hopes and dreams, which are destroyed by abuse, exploitation and fear.”***

*Ms. Shabida Azfar, Representative UNICEF Bangladesh*

Representing the children and young adults, Sazzad Hussain of Bangladesh and Benish Zia of Pakistan presented common concerns raised at their preparatory workshop. These included a need for frank and friendly exchanges, an inclusion of sex education in school curricula, more sensitive media coverage, and encouragement and support in forming a regional children’s network.

***“During this time when the world should be providing children with peace and security, children are being sexually abused and tortured at an unimaginable rate. Are we going to close our eyes and remain silent?”***

*Mr. Sazzan Hussain and Ms. Binish Zia*

Dr. Waheed Hassan, Deputy Regional Director, UNICEF Regional Office for South Asia, thanked the young people for their courage in becoming partners in the Consultation and noted that no greater injustice could be done to children than to subject them to slave-like conditions of sexual exploitation.

Mr. Shengjie Li, Acting Director of the ILO Area Office, Dhaka, discussed the impact of ILO Convention No. 182 banning the worst forms of child labour including child trafficking, prostitution and pornography. He spoke of a new rapid assessment methodology for child workers which can identify children at risk so that effective preventive measures can be taken.

In her address, Begum Khurshid Zahan Haque, M.P., Honourable Minister, Ministry of Women and Child Affairs, Bangladesh, reiterated the Bangladesh Government’s commitment to carrying out the actions proposed in the Draft National Plan of Action against Sexual Abuse and Exploitation of Children, including Trafficking, and noted key areas of interventions requiring special attention such as raising awareness about sexual abuse, improving law enforcement against perpetrators and strengthening the capacity of service providers.

***“Addressing and reducing child sexual abuse and exploitation is an integral part of government obligations to enable children to fully enjoy their rights.”***

*Begum Khurshid Zahan Haque*



## 4.2 COUNTRY PRESENTATIONS

**Chairperson Dr. Waheed Hassan, Deputy Regional Director, UNICEF Regional Office for South Asia**

A major aspect of the Consultation was each country's presentation on its progress to fulfil the commitments made at the First World Congress against Commercial Sexual Exploitation of Children in Stockholm. The countries explained their particular trends and developments, discussed good practices, experience already obtained and future actions, and indicated what work remains to be done. Under the Agenda for Action adopted at the First World Congress, governments had committed themselves to adopt National Plans of Action and to develop implementing and monitoring mechanisms or focal points to establish databases. Bhutan and Maldives, not present at Stockholm, presented the positive steps they had undertaken since signing the Convention on the Rights of the Child. This group of rich and comprehensive presentations brought out the crucial issues still facing the region in its struggle to protect its children from sexual exploitation and abuse. (*Annexure 8* contains detailed summaries of each of these presentations.)

During the Consultation, each country group also had the opportunity to meet separately to discuss follow-up actions for governments, NGOs and children after the Second World Congress against CSEC. (See *Annexure 9* for each country's lists of recommended actions).

*The following issues and challenges were raised in different country presentations and from the floor in discussion following the presentations:*

### **Children Vulnerable To Commercial Sexual Exploitation And Child Sexual Abuse**

Girls, especially those in adolescence, are the most vulnerable but more information on the sexual exploitation of boys has recently emerged. A number of factors increase children's vulnerability. These include coming from broken homes, working as domestics, living in areas with easy availability of narcotics and alcohol, and being out of school. Also vulnerable are children with disabilities, children who have been displaced to slums and streets, economically marginalised children from rural areas and those living in industrial areas. Children affected by natural disasters, accidents, insurgencies and violent conflicts, and child refugees lacking official refugee status are further vulnerable. Lack of awareness regarding commercial sexual exploitation of children and child sexual abuse and child rights among children, families and communities increases children's vulnerability.

### **Socio-Cultural Factors**

Socio-cultural hindrances such as discrimination against girl children are major factors that lead to gender-based violence and exploitation of children, especially girls. Poverty, lack of economic opportunity, widespread harassment of girls in public places and poor law enforcement are contributory factors. Incidents of abuse and exploitation are increasing. Abusers come from many social and occupational groups, most being known to the victim. The acute stigmatisation of child victims is a major obstacle to their recovery and reintegration.



## Economic Issues

Rural-urban migration and issues of globalisation affect commercial sexual exploitation of children and child sexual abuse, as economic liberalisation and open borders contribute to market dynamics in child labour and trafficking for sexual purposes. The motive for quick profits drives the organised crime element. At the same time, the low financing capacity of governments prevents the development of a comprehensive social security system and safety nets to improve children's status. Current practices in vagrant homes turn them into producers of sex workers. The needs of women and children involved in sex work differ and should not be conflated.

## Inadequate Data and Monitoring

Although prostitution and trafficking seem to be increasing, the lack of accurate information and monitoring mechanisms for commercial sexual exploitation of children and child sexual abuse makes assessing the extent difficult and constrains the development of a comprehensive policy and programmatic response. Inadequate information exists on trafficked children, child labour in other exploitative industries, child marriage, and children in difficult circumstances.

### *Key Challenges:*

#### *National Initiatives*

Countries agree to honour commitments made at the South Asia Consultation and the Second World Congress, and recognise the need to develop National Plans of Action and to adjust legislation to conform to international treaties. They are working on improving law enforcement to punish perpetrators and not victims. Promoting sustainable livelihood development, especially in rural areas, is a high priority. Individuals should be strongly fortified and the idea of the "Gross National Happiness", making people come first, is an important concept deserving wider consideration. The importance of involving children and young people in government activities and policy-making and promoting transparency and information-sharing must be stressed. The presentations recognised the large amount of work remaining to protect children from commercial sexual exploitation of children and child sexual abuse.

#### *Cross border issues*

The regional nature of this problem was stressed. Understanding it is similar to dealing with organised crime on a par with terrorism and the drug trade, recommendations were to institutionalise regional mechanisms for consultation. SAARC provides a good basis for regional co-operation. Both regional and bilateral approaches are necessary to eliminate trafficking networks, and to enable the prosecution of foreigners, including extra-territorial prosecutions to deter traffickers. Suggestions were also made that receiving countries should provide for care and/or repatriation of foreign children trapped in CSEC within their borders. A common framework should be developed throughout the region.

#### *Awareness raising and education*

Overall awareness about sexual abuse and gender issues must be raised to overcome the denial that exists at all levels. Awareness raising and capacity building should be undertaken





among law enforcement agencies. Children should be educated through the school syllabus and opportunities for counselling provided. All children must be reached, particularly those in remote areas. Children of brothel and sex workers require special attention and protection, and they should not be stigmatised.

### **Capacity building**

The capacity and co-ordination of the existing response system and service providers requires strengthening to rehabilitate rescued victims. This includes improving conditions in protection homes for children. Monitoring and evaluation indicators to assess progress and guide future policy need to be developed. Because the culture hinders complaints about child sexual abuse, special measures must be taken, such as providing confidential post boxes to which children can write.

## **4.3 PREPARATIONS FOR THE SECOND WORLD CONGRESS AGAINST COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN**

**Chairperson, Mr. Thinley Dorji, Director of the SAARC Secretariat**

### **End Child Prostitution, Child Pornography and Trafficking Of Children For Sexual Purposes (ECPAT):**

Ms. Chitraporn Vanaspong began with a brief history of the Stockholm Agenda for Action and then presented ECPAT's purpose. A small organisation, ECPAT has a large world-wide network. Their work concerns the commercial side of sexual exploitation of children. Recognising the importance of the Stockholm Agenda, ECPAT contacted many governments to determine how they were using it and from this effort derived the 'impacts of the agenda'. Ms. Vanaspong discussed the importance of National Plans of Action, and particularly their role in networking. She also commented on the regional meeting for East Asia and the Pacific, which focused on sharing good practices, and developed a Regional Commitment and Plan of Action with a timeframe.

### **NGO Group for the Convention on the Rights of the Child**

The NGO Group was represented by Ms. Anna Pinto of the Centre for Organisation Research & Education (CORE), the focal point on Sexual Exploitation and Abuse of Children in South Asia. In preparation for the Yokohama Congress she has organised or participated as a resource in several consultations and workshops that produced situation-specific sharing of experiences, and also identified significant common issues. Her presentation thus reiterated many issues raised in the country presentations. Noting the inadequacy of enforcement Ms. Pinto said, "We can't ignore that this is an illegal industry, with considerable profit-making, that occurs with the collusion of a wide range of people in power." She advocated training and sensitisation for government officers at various levels, as well as for professionals providing services to children. Education should be provided on children's rights under international treaties and domestic legislation as well as on local services available for children. This will foster child participation as children participate best by being educated on the issues and available laws. The lack of adequate resources to combat commercial sexual exploitation of children and child sexual abuse was also noted.



## Save the Children Alliance, South and Central Asia

Ms. Archana Tamang began her presentation with a disturbing story of witnessing the 'breaking in' of a 10 year old Nepali girl from her own village in a makeshift brothel many years ago. This particular girl died of HIV/AIDS. She discussed the work of the Save Alliance, trying to counter commercial sexual exploitation of children and child sexual abuse. She elaborated on the country level preparations that were being made for Yokohama, such as the eight workshops organised with children in Bangladesh and noted that child participation is a major aspect of the work of the Save the Children Alliance. The Alliance is also involved in regional research on child trafficking.

**Discussion from the floor:** A suggestion was made that bilateral agreements could facilitate the repatriation process of children who are trafficked across South Asia's long open borders, such as that between India and Bangladesh, and India and Nepal. Another delegate noted that domestic, non-commercial child sexual abuse must also be addressed, and this requires working with men.

### **4.4 PRESENTATION OF THE DRAFT "YOKOHAMA OUTCOME DOCUMENT"**

**Chairperson, Mr. Muhammad Hassan Mangi, Director National Commission on Child Welfare and Development, Pakistan**

Mr. Gopalan Balagopal, Senior Advisor of the Child Protection Section of UNICEF Headquarters presented the purpose and intent of the Yokohama Outcome Document. Mr. Balagopal said that the Stockholm Agenda is so clear that the organisers of the Second World Congress against Commercial Sexual Exploitation of Children feel no need develop a new statement, and simply want a recapitulation and recommitment. The Government of Japan has circulated the document to all other governments, giving them sufficient time to return comments. ECPAT in Bangkok and the NGO Group, based in Geneva, have circulated it among NGOs. UNICEF, as the international link agency, has communicated with heads of international organisations. Comments from all these groups are being sent to the editor and a revised version will be circulated before the Second World Congress, the expectation being that the final document will be adopted by affirmation.

Mr. Balagopal gave a brief commentary on some of the document's language, noting that the phrase "We the participants" was extremely inclusive of governments, international organisations, and NGOs, including the child and young adult participants. He pointed out that the regional processes that have preceded the Second World Congress distinguish it from the First Congress in Stockholm, having been better thought out and involving more preparation. The document ends by declaring "zero tolerance" for Commercial Sexual Exploitation of Children.



## CHILDREN'S DRAMA FROM BANGLADESH

A powerful and emotional play by the Resource Bangladesh Drama Group revealed the harsh reality and danger facing many of South Asia's children. The drama also brought out that support for children's empowerment and effective law enforcement are crucial to end this tragedy.

*Farida is a poor girl who works to help support her family. Returning home from work one day, she is harassed and abused by several men. Farida successfully fights back but is afraid to tell her parents lest she be blamed for bringing the incident on herself.*

*After Farida escapes the men become enraged that she not only refused their advances but actually stood up to them and fought back. They decide to revenge themselves by kidnapping her and taking her off to do what they wanted with her. That night they break into the house, find Farida sleeping and carry her away. At some distance they stop and say they will teach her a lesson for her earlier defiance. Farida is gang raped, beaten and left for dead in a drain by the side of the road.*

*The next morning, Farida's parents awake to find her missing. Frightened, they search frantically, eventually finding Farida conscious, but battered and in a state of shock. Recognising immediately what has happened, they panic. Concerned for their daughter's health, they are nonetheless more worried that she is now **spoiled** and will be stigmatised by the community as a 'bad girl' who has lost her virtue and brought shame on her family. Who will ever marry Farida now? Where will they find a husband willing to take her after what has happened?*

*Instead of accepting the community's scorn however, Farida realises that she has been wronged. Farida decides that she isn't simply a victim, but is a survivor. She decides to speak out about what happened to her. Not letting society judge her, she instead challenges society.*

*Farida declares: 'Yesterday I wanted to die but I didn't. Now I want to challenge this world and ask people how they can continue to let things like this happen? How can they allow children to live unprotected while those who commit violent crimes against them go free? How will the world take responsibility for children and protect them from violence, sexual abuse and exploitation?'*

### 4.5 THEMATIC GROUP WORK

Based on the six thematic issues to be considered at the Second World Congress against Commercial Sexual Exploitation of Children, expert resource persons had been identified to lead discussion on issues crucial to understanding the complexities involved with CSEC. At the request of several countries, an additional group was facilitated on Child Sexual Abuse. These discussions were considered an essential aspect of the Consultation that would allow for richer inputs to be made into the drafting of the South Asia Strategy. Ms. Kiran Bhatia, Regional Child Protection and Gender Advisor, briefed the groups. The working groups were asked to develop specific recommendations to be incorporated into the South Asia Strategy.



#### **4.6 PRESENTATION BY THEMATIC WORKING GROUPS**

**Chairperson, Ms. Lalani Perera, *Additional Secretary, Ministry of Justice, Sri Lanka***

*These presentations focussed on each thematic group's recommendations for action.*

#### **Trafficking of boys and girls for sexual purposes**

**Resource Persons: Ms Jyoti Sanghera, *consultant UNICEF*; Ms Bharti Ali, *HAQ: Centre for Child Rights, Delhi***

Recognising that trafficking of children, both intra and inter country is growing alarmingly in South Asia, the group developed a series of recommendations that were presented under the categories established by the Stockholm Agenda for Action.

##### ***First Priority***

- ◆ Immediate agreement on the SAARC Convention on Trafficking along with establishing a mechanism for regular review, revision and monitoring implementation of the Convention by a committee with representation of children, NGOs and governments.
- ◆ National review committees should meet at least yearly to review implementation at the national level and the regional committee will meet every two years.

##### ***Prevention***

- ◆ All programmes relating to prevention of trafficking should be formulated within the NPA against CSEC.
- ◆ Sustainable livelihood opportunities and economic empowerment should be targeted at source areas.
- ◆ An appropriate Regional Media Strategy within the CRC framework should be developed and implemented.

##### ***Protection***

- ◆ Establish child friendly shelter homes, with appropriate qualified professional staff and participatory management by children, NGOs, communities and government.

##### ***Recovery/Rescue***

Every country should put in place a rights-based rescue policy with a clear follow-up plan. Policies should include:

- ◆ Victim assistance that does not add to victimisation and stigmatisation.
- ◆ Establishment of database of rescued children.
- ◆ Simplified processes.
- ◆ Clear and formal system of information sharing among law enforcement agencies.
- ◆ Regional/bilateral co-operation and co-ordination.



### ***Reintegration***

- ◆ Long term sustainable rights-based integration for all rescued children.
- ◆ Awareness creating in the community for an enabling environment to receive child victims.

### ***Children's participation***

- ◆ Establish children's and young people's organisation and network (rural/urban) with 50% representation of vulnerable children's groups.
- ◆ Support mechanism to sustain children's networks and initiatives
- ◆ A media strategy to promote children's participation and organisation.

The presentation concluded by saying that non-negotiable interventions to prevent and eliminate trafficking in South Asia were **Political Will, Gender Equity and Children's Participation** backed by **Allocation of Appropriate Resources**.

## **Girls and Boys in Street Based Prostitution and Girls and Boys Living in Brothels**

**Resource Persons:** Mr Matthew Friedman, *USAID, Bangladesh*; Ms Archana Tamang, *Save the Children Alliance South and Central Asia*

Identifying nearly 20 common problems these children face, the group agreed upon recommendations dealing the following four: being considered incapable of making their own life choices, lack of self-esteem, lack of physical and emotional care, and harassment. The recommendations were put into the following categories:

### ***Prevention and Recovery***

Government and civil society organisations should foster supportive enabling environments that recognise the child's innate value as a human being (personhood) and provide social and legal protections from the debilitating effects of discrimination and stigma. This protection should be supported by interventions within the wider society to ensure positive attitudinal change.

### ***Recovery***

- ◆ Government and civil society organisations should facilitate the child's "transit" (by a meaningful engagement process with the young people) through the exploitative experiences with the least possible harm to outcomes that help to build "personhood."
- ◆ Government and civil society organisations should create appropriate safe environments to accommodate the wide range of needs of a child affected by prostitution and protect these children from possible abusive state and non-state actors. This might include non-prejudicial and non-discriminatory facilities such as drop-in centres, and other approaches including peer education, skill development, etc.
- ◆ Government and civil society organisations should provide medical, social, psychological, counselling and other support to the affected children with a view to promoting self-respect, dignity and rights of the child.



## Child Pornography

**Resource Persons:** Professor Harendra de Silva, *National Child Protection Authority (NCPA), Sri Lanka*; Ms. Chitraporn Vanaspong, *ECPAT, Bangkok*.

The group noted that child pornography is both a crime in itself and a picture of a crime scene that could provide evidence of further crimes against children. Child pornography is defined as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of a child’s sexual parts for primarily sexual purposes.” The following recommendations were made:

- ◆ Uniform and universal definition of child pornography that includes all media used.
- ◆ Strict legislation criminalising child pornography at national level, including possession, production and/or distribution, conforming to international treaties and conventions.
- ◆ Establishment of monitoring processes and procedures for all media on child pornography, such as surveillance units in police, community, publishers, media for possession, production and distribution.
- ◆ Advocacy and awareness programmes for government, parents, children and the general public on the psycho-social impact of child pornography on children, referring to the exposure of children to pornography as well as the use of children in pornography.
- ◆ Declaration of an International Day against Child Pornography.
- ◆ Including the issues of child pornography, commercial sexual exploitation of children and child sexual abuse in sex education curricula.
- ◆ Participation of children in monitoring implementation of the recommendations made by the South Asian consultation on commercial sexual exploitation of children and child sexual abuse.

### *Child Pornography on the Internet*

- ◆ Computers and instant cameras have made pornography a virtual cottage industry, and chat rooms and web groups are used as well as web pages.
- ◆ Establish ‘cyber watch groups’ and specialised ‘cyber cop’ units at country level and establish a network among the cyber watch groups in the region.
- ◆ Establish guidelines, direction and monitoring procedures of the cyber watch groups.
- ◆ Training on the surveillance process of the police and other law enforcement agencies.
- ◆ Access to information on users and host data, web-sites, web clubs by internet service providers for criminal investigation purposes.
- ◆ The same access should apply for child pornography on the net as is applied to terrorist groups



## Profile of Sex Perpetrators

**Resource Persons:** Professor Shekhar Sheshadri, *NIMHANS, India*; Mr. Ajay Noronha, *filmmaker, India*

This group first identified seven factors behind perpetration as representing areas of Sexuality, Gender and Power, Misconception and Masculinity, Special Circumstances and Populations, Inner and Transactional Mechanisms, Commodification and Visibility, and Notions and Needs of Childhood. Concluding that intervention should be structured around these dimensions, the group said that important recommendations included Programmes and Initiatives focusing on:

- ◆ Discourse with children, children's involvement in all campaigns, using children's skills and voices.
- ◆ Providing children awareness of their own misconceptions and safety workshops.
- ◆ Education, experiential methodologies, understanding education and patriarchy and the construction of knowledge, providing training in sex education and life skills.
- ◆ More school counsellors and better counselling, providing parental guidance to avoid economic exploitation of children.
- ◆ Sensitisation of larger groups, media programmes, judicial activism and policing, censoring of the internet.

Based on these recommendations the group agreed on the following model to be implemented.

At the first level,

discourse/ education targeting government policy/ children/ parents/ teachers/ media /civil society; with the contents covering sexuality/masculinity/inequities; using a life skills format/ programmatisation; experiential methodologies (theatre, art, films), mandatory inclusion in all child care initiatives

At the second level,

these interventions would include specific therapy in professional mental health facilities for perpetrators (for which expertise needs to be developed), police and legal deterrents and stricter/stringent cross border, extradition and adjudication issues. The group believes that this second level process should start simultaneously but looks at level 1 as the start, the core and the foundation of any initiative against perpetration.



## Child Sexual Abuse

**Resource Persons:** Ms Kamla Bhasin, *India*; Ms Birgitta Ling, *Save the Children Sweden, Bangladesh*

The group first noted that although child sexual abuse is largely hidden, the issue has been brought more out into the open in the last decades due to the efforts of the global women's movement. Nonetheless it remains quite sensitive. CSA exists and is a major issue in all South Asian countries, occurring within families and outside in public places. All classes and ethnic groups are affected, and girls and boys are both victims. However, girls are more victimised due to the pervasive patriarchy of the cultures. CSA and CSEC were found to be inseparable. CSA is related to poverty (economic, social-cultural and spiritual), power and ideology (patriarchy, superiority of men over women, and of adults over children, the denial of personhood to women and children). CSA also relates to consumerism and profit making by media showing girls and women as objects. Following are the group's recommendations:

- ◆ Prepare well-designed studies to obtain authentic information about sexual abuse of boys and girls. Examine notions of masculinity in the studies.
- ◆ Reinforce South Asia's rich cultural values and use them to protect children.
- ◆ Produce and disseminate more publications and films to create public opinion against CSA.
- ◆ Develop codes of conduct for the public portrayal of children in the media.
- ◆ Conduct continuous sensitisation campaigns for the general public about CSA through the mass media while training those working in the media.
- ◆ Create censoring or screening committees for the mass media.
- ◆ Include CSA in school curricula to encourage frank discussion among children.
- ◆ Train children to recognise and challenge CSA and to learn how to protect themselves.
- ◆ Encourage children to learn from and teach others about CSA.
- ◆ Take necessary legal and other steps to stop the use of child models in advertising and to criminalise child pornography.
- ◆ Institute strict punishment for child abusers, leading to social ostracism.
- ◆ Facilitate and encourage community-based organisations to generate awareness of CSA and work in campaigns against CSA.
- ◆ Strengthen data collection and monitoring mechanisms of programmes related to CSA.
- ◆ Allocate appropriate levels of government budgets for programmes to combat CSA.





## Legal Reform and Law Enforcement

*Resource Persons: Mr. Zia Awan, Lawyers for Human Rights; Pakistan, Dr. Hameeda Hossain, Ain O Salish Kendra, Bangladesh*

The presentation began by stating the group's view that while the law sets standards it cannot by itself bring about social change or changes in ethics. Problems of poverty, compulsory education, health, protection and gender equality are therefore crucial. Legal reform and law enforcement mechanisms must set the ethics that:

- ◆ Ensure the rights and best interests of the child.
- ◆ Recognise that the root cause is poverty.
- ◆ Effectively address discrimination based on religion, ethnicity, gender and age.

Five categories were identified as areas in need of reform and social change.

### 1. Law Reform

- ◆ Repeal of laws contrary to international human rights and child rights standards, including harmonising the age of the child with the CRC other international instruments.
- ◆ Extradition law and treaties concerning cross-border trafficking and regional laws for extra-territorial jurisdiction.
- ◆ Enact adoption laws that include involvement of a follow-up agency.
- ◆ Introduce laws which address crimes committed by families against their children.
- ◆ Introduce child consultation during law-making processes.
- ◆ Establish criminal justice commissions to deal with crimes committed by law enforcement officials.
- ◆ Elimination of victimisation and child-friendly procedures, including victim protection, compensation for child survivors and children's courts.
- ◆ Multi-disciplinary approaches.

### 2. Institutional Reform

- ◆ Laws and codes of ethics regulating private and government-run institutions to protect child rights.

### 3. Judiciary

- ◆ Regional networking to share positive developments in the field of child rights, including child-friendly and unbiased approaches and procedures.

### 4. Community involvement

- ◆ To eliminate negative customary practices, build bridge through families and community involvement and establish support systems to facilitate rehabilitation.



## 5. International/regional instruments

- ◆ Adopt bilateral agreements for cross-border trafficking, including amnesty for victims.
- ◆ Establish a national, regional and international monitoring system to follow up on both World Congresses against CSEC.
- ◆ Call for ratification of the Optional Protocol to CRC.

### *Discussion from the floor*

#### Extraterritorial Jurisdiction

- ◆ Consider the possibility of a victim's home country trying a perpetrator from another country in absentia, essentially extending a country's child protection legislation to protect children from harm by citizens of other countries, even if the crime is committed in another country.
- ◆ In Western Europe nationals in one country who commit crimes in another country can be tried by their home countries, and such arrangements have also been made in Asia between Sweden and Thailand, and between Germany and Sri Lanka.
- ◆ Receiving countries should also be liable, through their Human Rights Commissions, for compensating expatriate children who are trafficked and rescued, regardless of prosecution of the perpetrator. Allowing the child to be trafficked across the border, then simply rescuing her and sending her back is insufficient.

#### Foster Care

- ◆ Along with considering reform of adoption laws, foster care should also be examined, for children being sexually abused.

## 4.7 PRESENTATION OF DRAFT SOUTH ASIA STRATEGY

*Chairperson, Dr. Sangay Thinley, Secretary, Ministry of Health and Education, Government of Bhutan*

Dr. Ashok Nigam, Regional Planning Officer, UNICEF Regional Office for South Asia (ROSA), and Executive Secretary of the Drafting Committee thanked the Committee for its dedicated efforts, especially the child and young adult participants for sharing their specific concerns. He described how the South Asia Strategy was generated. On the first day of the Consultation all Committee members received a preliminary draft. Shared with each member's group, feedback was later received so a true first draft could be prepared and distributed that evening. The Committee then met to provide detailed feedback, which was incorporated. More feedback was received, including from the thematic discussions that preceded this presentation.

Dr. Nigam asked delegates to meet as country groups to discuss and provide comments through their representatives. This meeting was to obtain feedback for a fourth and final draft to be presented to the plenary for endorsement. He then took the plenary briefly through the draft to highlight its structure and contents, giving the participants a context for their discussions. Delegates were asked to prepare specific paragraphs, words and phrases, as well as suggestions for placement within the document. These were to be presented to the Committee through the government, child and young adult, NGO and UNICEF representatives. It was particularly noteworthy that children in the Drafting Committee and from the floor gave useful suggestions for the draft Strategy.

## DOCUMENTARY FILMS SCREENED DURING THE CONSULTATION

**The Unseen** a film directed by Pallav Das for the UNICEF Regional Office for South Asia, reveals the courage and tenacity of children and adolescents scattered on the busy streets and railway stations of New Delhi, who die and survive each day. Their voices narrate stories of runaways, drug users, sexual exploitation, abuse and rape, survival and struggle, harm and healing, protection and shelter. The film reveals the bitter picture of the state of street children as well as offering myriad opportunities to challenge current thinking and overcome the existing social evils.

**Bhaile** is a documentary film illustrating the occurrence of tourism-related paedophilia in Goa. The film speaks to a cross-section of Goans and concerned individuals to comprehensively discuss the issues involved, the driving force being the innocence of the child. The director, Ajay Noronha, a Goan himself and a resource person at the South Asia Consultation, believes that Goa has become a favoured destination for paedophiles thanks to an excessively greedy tourism industry, a lack of political will, absence of specific laws, a lax police force and apathetic local population.

### 4.8 PREPARATIONS FOR THE SECOND WORLD CONGRESS

*Chairperson, Mr. R.V.V. Ayyar, Secretary of the Department of Women and Child Development, Government of India*

The plenary reconvened for a presentation by Mr. Takashi Ashiki, Chief of the Secretariat for International Conferences, Ministry of Foreign Affairs, Government of Japan, on preparations for the Second World Congress against Commercial Sexual Exploitation of Children, 17 – 20 December 2001, in Yokohama. Mr. Ashiki also discussed the Congress Agenda. Before beginning his formal presentation, he noted that the South Asia Strategy being prepared at this meeting will be a substantial contribution.

A Youth and Children Programme will be held between 13-16 December as a prelude to the Second World Congress. The objectives of the Congress are to enhance political commitment for implementing the Stockholm Agenda for Action, to review progress in implementing the Agenda, to share expertise and good practices, to identify main problem areas and/or gaps in the fight against CSEC, and to strengthen the follow-up process.



Six **theme papers** will serve as a basis for discussions: Child Pornography; Prevention, Protection and Recovery of Children from Sexual Exploitation; Trafficking in Children; Role and Involvement of the Private Sector; Legislation and Law Enforcement; and Profile of the Sex Exploiter.

Several Panel Discussions will be held, along with workshops organised by NGOs, international organisations, private sector and others that relate to each panel theme. The themes are: Lessons Learned from Stockholm, Obstacles and Challenges to Combating Commercial Sexual Exploitation of Children, and Ways Forward.

**Expected outcomes of the Second World Congress against Commercial Sexual Exploitation:**

- ◆ A statement to reaffirm the Stockholm Agenda and enhance political commitment to combat CSEC
- ◆ Presentation of outcomes from regional consultations
- ◆ Presentation of the Youth Programme
- ◆ Strengthened partnership among stakeholders from governments, international organisations and civil society

#### ***4.9 PRESENTATION OF FINAL DRAFT SOUTH ASIA STRATEGY***

Thanking all participants for their efforts in developing the South Asia Strategy, Dr. Waheed Hassan, Deputy Regional Director of UNICEF Regional Office for South Asia, presented the final draft, summarising the different sections and commenting that he hoped everyone could recognise their various contributions. He emphasised that the Consultation's main purpose, to develop a South Asia Strategy against Commercial Sexual Exploitation of Children and Child Sexual Abuse, had been successfully accomplished. The floor was then opened for comments and a lively discussion ensued. Following this session, to promote full endorsement and ownership, the Drafting Committee made a few brief amendments to the Strategy based on suggestions from the floor.



#### 4.10 CLOSING SESSION

*Chairperson, Mr. Ehsanul Haq, Secretary, Ministry of Women and Children Affairs, Government of Bangladesh*

The session began with remarks from children and young adults. Expressing sincere thanks for being able to participate in the Consultation, the children said they had learned a lot about their country strategies and the situation in other South Asian countries. They hope for more such opportunities to share their knowledge and actively work together against sexual exploitation and abuse of children. They appealed strongly to South Asian governments to form a network of young people who are working for this cause. They asked that their inputs to the Consultation be expressed clearly at the Second World Congress and stated their commitment to share what was discussed during the meetings with friends in their own countries.

Dr. Hassan commented on the wealth of information, knowledge and expertise that was brought together for the Consultation. The Drafting Committee worked hard to accommodate all inputs. Specifically commending the child and young adult participants for their sensitivity and insight, Dr. Hassan said it was a privilege to have them in the Consultation. The information received from the seven South Asian governments on their rich experience and best practices indicate how far the region has moved from denying the existence of the problems of commercial sexual exploitation and abuse of children. Nevertheless much more progress must be made. Summarising some of the Consultation's findings, Dr. Hassan noted both the inadequacy of reliable data on the magnitude of the problem and the indications that certain groups of children live under conditions of heightened vulnerability, particularly the greater risks faced by girls. He spoke of the need for improved law enforcement and other measures required to ensure that the new policies being adopted were actually implemented.

Dr. Hassan paid special tribute to the enormous efforts of the Government of Bangladesh Ministry of Women and Child Affairs to put the consultation together, commending the close relationship between the Ministry and the UNICEF Bangladesh Country Office. He expressed confidence that the Government of Bangladesh would, on behalf of the entire region, present the South Asia Strategy to the Second World Congress. In conclusion, Dr. Hassan said he was impressed by the delegates' great commitment, empathy, expertise and experience. "It is this commitment which will make an immediate difference."

Mr. Haq, as Chairperson of the Drafting Committee, thanked his fellow members for their active deliberations and hard work, recognising the efforts of all delegates to the Consultation to provide needed inputs into the South Asia Strategy. "I myself have learned a lot and note your deep commitment to root the sexual exploitation and abuse of children out of our society. Many challenges remain, however, and we need international commitments to combat them." With these words he declared the Consultation closed.

Following these speeches, the consultations child and young adult participants enlivened the final proceedings by leading the group in renditions of We Shall Overcome in the various languages of South Asia.



# ANNEXURE 1

## GLOBAL TREATIES POST STOCKHOLM - Defining Commercial Sexual Exploitation of Children and Child Sexual Abuse

### Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

#### Article 2

For the purpose of the present Protocol:

- a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

#### Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether these offences are committed domestically or transnationally or on an individual or organised basis:
  - a) In the context of sale of children as defined in article 2:
    - (i) The offering, delivering or accepting, by whatever means, a child for the purpose of:
      - a) Sexual exploitation of the child;
      - b) Transfer of organs of the child for profit;
      - c) Engagement of the child in forced labour;
    - (ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
      - (b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;
      - (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.



## ILO Convention 182 on Worst Forms of Child Labour

### Article 3

For the purposes of this Convention, the term “the worst forms of child labour” comprises:

- a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

## Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime

### Article 3

For the purposes of this Protocol:

- a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d) “Child” shall mean any person under eighteen years of age.



## ANNEXURE 2

### THE STATUS OF RATIFICATION OF SOME INTERNATIONAL TREATIES

Country	UN Convention on the Rights of the Child	Optional Protocol to CRC on Sale of Children, Child Prostitution and Child Pornography	ILO Convention 182	CEDAW
Bangladesh	Ratified on 3 August 1990	Ratified on 6 September 2000	Ratified on 12 March, 2001	Ratified on 6 November 1984
Bhutan	Ratified on 1 August 1990		Not a member of ILO	Ratified on 31 August 1981
India	Ratified on 11 December 1992		Central Govt. has contacted State Govts., Trade Unions and Employers and is waiting for replies before making a cabinet note to submit to the Parliament	Ratified on 9 July 1993 with a Declaration/ Reservation
Maldives	Ratified on 11 February 1991		Not a member of ILO	Acceded on 1 July 1993, with a declaration/ Reservation
Nepal	Ratified on 14 September 1990	Signed on 8 September 2000	Ratified September 2001	Ratified on 22 April 1991
Pakistan	Ratified on 12 November 1990		Govt. examined the Possibility of ratification and is on the verge of signing it	Acceded on 12 March 1996 with a declaration/ reservation
Sri Lanka	Ratified on 12 July 1991		Ratified on 1 March, 2001	Ratified on 5 October 1981





## ANNEXURE 3

### SELECTED DEFINITIONS OF COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN, CHILD SEXUAL ABUSE AND TRAFFICKING

1. **Save the Children**, defines sexual abuse and exploitation as,

The imposition of sexually inappropriate acts, or acts with sexual overtones by one or more persons, who derive authority through ongoing emotional or professional bonding with that child or who have a commercial or other interest in the child. (Turid Heiberg, Commodities in stigma and shame: An international overview of Save the Children's work against Child Sexual abuse and Exploitation (Save the Children, 2001), p 3

2. **UNICEF** defines child sexual abuse as

"the involvement of a child in a sexual activity to which he or she is unable to give informed consent (and may not fully comprehend), or for which the child is not developmentally prepared and cannot give consent, or which violates the laws or social taboos of society"<sup>81</sup>

As per UNICEF's definition,

sexual abuse becomes "sexual exploitation when a second party benefits – through making a profit or through a quid pro quo – through sexual activity involving a child."<sup>82</sup>

3. **Trafficking definitions**

According to the Special Rapporteur on Violence Against Women, trafficking in persons means

- (1) The recruitment, transportation, purchase, sale, transfer, harbouring or receipt of persons: by threat or use of violence, abduction, force, fraud, deception or coercion (including the abuse of authority), or debt bondage for the purpose of:
- (2) Placing or holding such person, whether for pay or not, in forced labour or slavery-like practices, in a community other than the one in which such persons lived at the time of the original act described in (1).



## ANNEXURE 4

### DEFINITION OF A CHILD

#### BANGLADESH

LAW	AGE IN YEARS
Children's Act (1974)	16
Bangladesh Majority Act (1875)	18
Children (Pledging of Labour) Act	15
Bengal Vagrancy Act (1943)	14
Factories Act (1965)	16
Guardian and Wards Act (1890)	21
Child Marriage Restraint Act (1929)	18 for girls and 21 for boys
Muslim Personal Law	On gaining puberty. A child can be given in marriage by a guardian on reaching puberty.
Dissolution of Muslim Marriages Act (1939)	Girl can repudiate marriage before reaching 18 years provided the marriage has not been consummated.
Hindu Personal law	Allows child marriage and does not give the child bride the option of repudiating her marriage at any age.

#### BHUTAN

LAW	AGE IN YEARS
Age of Majority	18
Marriage Act, 1980 (Amended 1996)	18

#### INDIA

LAW	AGE IN YEARS
Age of majority for voting	18
Census and government programmes for children	Usually covers a person below 14
Age of criminal responsibility	12
Child labour (Prohibition and Regulation) Act (1986)	14
Juvenile Justice (Amendment) Act (2000)	18
Mines (Amendment) Act (1983)	18
Child Marriage Restraint Act (1929)	Girls 18, boys 21
Age of sexual consent	Girls 16 if she is not married, 15 if she is married. Not defined for boys



## MALDIVES

LAW	AGE IN YEARS
Eligibility to Vote	21
Law on Protection for Rights of the Child	16
Family Law, 2001	18
<b>CHILD LABOUR LAW</b>	16. Family owned enterprises-14
Minimum age for Testimony	16

## NEPAL

LAW	AGE IN YEARS
Children's Act, 1992	16
Nepal Citizenship Act, 1963	16
Begging (Prohibition) Act, 1962	16
Insurance Act, 1993	16
Evidence Act, 1974	16
Contract Act, 1966	16
<i>Muluki Ain</i> , 1963	Allows marriage at 18 for boys and 16 for girls with consent of parents. 21 for boys and 18 for girls without consent of parent
Age of Consent under Children's Act, 1992 and <i>Muluki Ain</i> , 1963	16
Age of Criminal Responsibility	12
Child Labour Act, 1992	14

## PAKISTAN

LAW	AGE IN YEARS
Pakistan Penal Code, 1860	Girls below 18
Provincial Suppression of Prostitution Ordinance, 1961	Girls below 16
Mines Act, 1923	14
Employment of Children Act, 1991	14
Punjab Children Ordinance, 1983	15
Sindh Children's Act, 1955	16
Majority Act, 1875	18
Juvenile Justice System Ordinance, 2000	18
Child Marriage Restraint Act, 1929	Girls 16 Boys 18
Hudood Ordinances, 1979	On gaining puberty
Shops and Establishments Ordinance, 1969	Prohibited below 14. Allowed between 9am-9pm for 14-18
The Factories Act	Prohibited below 14. Adolescents (14-18) allowed to work under certain conditions



## SRI LANKA

LAW	AGE IN YEARS
The Children's Charter, 1992	18
Age of majority (Amendment) Act No. 17, 1989	18
Civil Procedure Code and Child Protection Authority Act, 1999	18
The Children and Young Person's Ordinance, 1939	14 (young person between 14-16)
Minimum age of criminal responsibility	8
The Children and Young Person's Ordinance, 1939	Child below 14, young person 14-16, youthful offender 16-22
Minimum age of employment in all sectors, including domestic labour	14
The Penal Code (Amendment) Act. No. 22 (1995)- age of Statutory Rape	16
For offence of trafficking of children	18
Age of Marriage	
◆ Secular Law	18
◆ Kandyan Law	18
◆ Muslim Law	Does not specify age of marriage



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## ANNEXURE 6

### AGENDA

#### Children and Young Adults Preparatory Workshop, 3–4 November 2001 Dhaka Club, Dhaka, Bangladesh

#### 3<sup>rd</sup> November 2001 (Saturday)

Time	Content
16:00 – 16:30	<b>Welcome</b> <i>Children from Bangladesh</i> <i>Ms. Shahida Azfar Representative, UNICEF Bangladesh</i>  <i>Ms. Deena Huq, Joint Secretary, Ministry of Women and Children Affairs</i> <i>Government of the People's Republic of Bangladesh</i>
16:30 – 18:30	Ice-breaker activity and cross-cultural exercise  Briefing and group discussion: <ul style="list-style-type: none"><li>♦ Why South Asia Consultation?</li><li>♦ Clarify concepts and terms</li><li>♦ Why are children and young adults invited?</li><li>♦ Review of Agenda of Consultation</li><li>♦ What role do children want to play in the Consultation?</li></ul> <i>Mr Ravi Karkara, Consultant, UNICEF ROSA</i>
18:30 – 20:30	Evening activity with children and young adults, including dinner and show by children from Bangladesh

#### 4<sup>th</sup> November 2001 (Sunday)

9:00– 11.00	Review and discussion on the Regional Summary Report
11.00 – 11.30	<b>Tea / Coffee / Juice and Energizer</b>
11.30 – 12.30	Review and discussion of the Draft Regional Strategy  <i>Ms Kiran Bhatia, Regional Adviser Child Protection and Gender,</i> <i>UNICEF Regional Office for South Asia</i>
12.30 – 13.00	Discussion on debriefing session and formation of feed-back group
13.00 – 14.00	<b>Lunch</b>
14.00 – 15.30	Preparation for children's and young adults' presentations



## AGENDA

### South Asia Consultation for the Second World Congress against Commercial Sexual Exploitation of Children, 4-6 November 2001 Hotel Sheraton, Dhaka, Bangladesh

#### 4<sup>th</sup> November 2001 (Sunday)

Time	Content
17:30 – 19:00	<p><b>Inaugural Session</b> <i>Master of Ceremonies: Ms. Shamima Nargis, Senior Assistant Secretary, Ministry of Women and Children Affairs, Government of the People's Republic of Bangladesh</i></p> <ul style="list-style-type: none"><li>■ Recitation of the Holy Quran</li><li>■ Welcome <i>Mr. K.M. Ehsanul Haq, Secretary, Ministry of Women and Children Affairs, Government of the People's Republic of Bangladesh</i></li><li>■ Opening Remarks and Objectives of the South Asia Consultation <i>Ms. Shahida Azfar Representative, UNICEF Bangladesh</i></li><li>■ Statements by Children/Young Adults <i>Sazzad Hussain from Bangladesh and Benish Zia from Pakistan, Representatives of Children and Young Adult Participants</i></li><li>■ Sexual Exploitation and Abuse of Children: Realities in South Asia <i>Dr. Waheed Hassan, Deputy Regional Director, UNICEF Regional Office for South Asia (ROSA)</i></li><li>■ Regional Preparations for Yokohama <i>Mr. Shengjie-Li, Acting Director, ILO Area Office, Dhaka, Bangladesh</i></li><li>■ Address by Chief Guest <i>Begum Khurshid Zahan Haque, M.P., Honourable Minister, Ministry of Women and Children Affairs, Government of the People's Republic of Bangladesh</i></li><li>■ Vote of Thanks <i>Mr. Murari Mohan Datta, Joint Secretary, Ministry of Women and Children Affairs, Government of the People's Republic of Bangladesh</i></li></ul>
19:00 – 20:30	<p><b>RECEPTION</b> hosted on behalf of: <b>MR. NIGEL FISHER, REGIONAL DIRECTOR</b> <b>UNICEF REGIONAL OFFICE FOR SOUTH ASIA</b></p>



## 5<sup>th</sup> November 2001 (Monday)

Time	Content
8:30 – 9:30	<p>Presentation of Agenda and Process of South Asia Consultation <i>Ms. Kiran Bhatia, Regional Adviser, Child Protection and Gender UNICEF ROSA</i></p> <p>Presentation of Translator Guidelines <i>Mr. Ravi Karkara, Consultant, UNICEF ROSA</i></p> <p>Formation of Drafting Committee <i>Ms. Deena Huq, Joint Secretary, Ministry of Women and Children Affairs, Government of the People's Republic of Bangladesh</i></p>
9:30 – 10:30	<p><b>Country Presentations:</b> Fulfilling Stockholm Commitments Current priorities and concerns</p> <p>♦ Bhutan ♦ India ♦ Maldives</p> <p>Plenary discussion</p> <p><b>Chair:</b> <i>Dr. Waheed Hassan</i> <i>Presentations by Government delegations</i></p>
10:30 – 11:00	<b>BREAK</b>
11:00 – 12:30	<p><b>Country Presentations (contd.) :</b></p> <p>♦ Nepal ♦ Pakistan ♦ Sri Lanka ♦ Bangladesh</p> <p>Plenary discussion</p> <p><b>Chair:</b> <i>Dr. Waheed Hassan</i></p>
12:30 – 14:00	<p><b>LUNCH</b> <i>Working lunch; meeting of Regional Strategy Drafting Committee</i></p>
14:00 – 14:45	<p><b>Panel Presentations</b> Preparations for the Yokohama Congress in South Asia</p> <p><b>Chair:</b> <i>Mr. Thinley Dorji</i> <i>Director, SAARC-Secretariat</i></p> <p><i>Ms. Chitraporn Vanaspong, End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT)</i></p> <p><i>Ms. Anna Pinto, CORE, nominated by the NGO Group for the Convention on the Rights of the Child</i></p> <p><i>Ms. Archana Tamang, Save the Children Alliance South and Central Asia</i></p>



Time	Content
14:45 – 15:45	<p><b>Presentation of Draft ‘Yokohama Outcome Document’</b></p> <p><i>Chair: Mr Muhammad Hassan Mangi, Director, (NCCWD) Government of the Islamic Republic of Pakistan</i></p> <p><i>Presentation by Mr. Gopalan Balagopal, Senior Advisor, Child Protection Section UNICEF HQ</i></p> <p><b>Presentation of the Draft Regional Strategy followed by discussion</b></p> <p><i>Presentation by Dr Ashok Nigam, Executive Secretary of the South Asia Strategy Drafting Committee</i></p> <p><b>Explanation of Thematic Group Work on the Draft Regional Strategy</b></p> <p><i>Ms. Kiran Bhatia, UNICEF ROSA</i></p>
15:45 – 16:15	<b>BREAK</b>
16:15 – 17:45	<p><b>Thematic Group Work</b></p> <ol style="list-style-type: none"><li>1. Trafficking of girls and boys <i>Dr. Jyoti Sanghera, Consultant, UNICEF HQ</i> <i>Ms. Bharti Ali, HAQ Centre, India</i></li><li>2. Girls and boys in street-based prostitution; girls and boys living in brothels <i>Ms. Archana Tamang, Save the Children Alliance South and Central Asia</i> <i>Mr. Matthew Friedman, USAID, Bangladesh</i></li><li>3. Child pornography <i>Prof. Harendra de Silva, NCPA, Sri Lanka</i> <i>Ms. Chitraporn Vanaspong, ECPAT, Thailand</i></li><li>4. Profile of sex perpetrators <i>Prof. Shekhar Sheshadri, NIMHANS, India</i> <i>Mr. Ajay Noronha, Film Maker, India</i></li><li>5. Child sexual abuse <i>Ms. Kamla Bhasin, Consultant, India</i> <i>Ms. Birgitta Ling, Save the Children Sweden, Bangladesh</i></li><li>6. Legal reform and law enforcement <i>Mr. Zia Awan, Lawyers for Human Rights &amp; Legal Aid, Pakistan</i> <i>Dr. Hameeda Hossain, Ain O Salish Kendra, Bangladesh</i></li></ol>
17:45 – 18:15	<p><b>Play by Children on Child Sexual Abuse</b>      <i>Children’s Congress</i></p> <p><i>Meeting of Drafting Committee members to incorporate feedback from thematic working groups into Draft Regional Strategy</i></p>
19:00 – 21:00	<b>DINNER, HOSTED BY THE GOVT. OF BANGLADESH</b>





## 6<sup>th</sup> November 2001 (Monday)

Time	Content
8:45 – 10:30	<p>Panel Presentation by Thematic Working Groups followed by open discussion</p> <p><b>Chair:</b> Ms Lalani Perera Additional Secretary, Ministry of Justice, Sri Lanka</p>
10:30 – 11:30	<p>Discussion in Country Groups on relevant issues and follow-up</p> <p><i>Parallel Meeting of the Drafting Committee</i></p>
11:30 – 13:00	<p>Presentation and Discussion on the Draft Regional Strategy</p> <p><b>Chair:</b> Dr. Sangay Thinley Secretary Ministry of Health and Education Royal Government of Bhutan</p> <p><i>Presentation by Dr Ashok Nigam</i></p>
13:00 – 14:30	<p><b>LUNCH</b></p> <p><i>Meeting of the Regional Strategy Drafting Committee</i></p>
14:30 – 16:00	<p>Presentation and Plenary Endorsement of the Final Draft Regional Strategy</p> <p><b>Chair:</b> Mr R.V.V. Ayyar Secretary Department of Women and Child Development, Ministry of Human Resource Development, Government of India</p> <p><i>Presentation by : Dr Ashok Nigam</i></p>
16:00 – 16:30	<p>Next steps – Preparation for Yokohama Congress</p> <p><i>Mr. Takashi Ashiki, Chief of the Secretariat for International Conferences Ministry of Foreign Affairs, Government of Japan</i></p>
16:30 – 16:45	<p><b>BREAK</b></p>
16:45 – 17:30	<p>Closing Session</p> <ul style="list-style-type: none"> <li>♦ Remarks</li> <li>♦ Synthesis</li> <li>♦ Vote of Thanks</li> </ul> <p><b>Chair:</b> Mr. K.M. Ehsanul Haq Child/Young Adult Representative</p> <p><i>Dr. Waheed Hassan</i></p> <p><i>Ms. Deena Huq</i></p>
17:30 – 18:00	<p>Press Conference</p> <p>UNICEF 6<sup>th</sup> Floor JPG Conference Room</p> <p><b>Facilitator:</b> Mr. Naseem ur-Rehman Chief, Communication and Information Section UNICEF Bangladesh</p> <p><i>Mr. K.M. Ehsanul Haq Secretary, Ministry of Women and Children Affairs, Dr. Waheed Hassan, Deputy Regional Director, UNICEF ROSA Mr Robert Tyabji, Regional Communication Adviser, UNICEF ROSA</i></p>



## ANNEXURE 7

### MEMBERS OF THE DRAFTING COMMITTEE

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Co-chairperson: Dr. Waheed Hassan, Deputy Regional Director, UNICEF ROSA

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Mr. Pratap Kumar Pathak, Joint Secretary MOWCSW, Nepal

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#### NGO Representatives

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Dr. Tafail Mohammad Khan, Chairman, Child Rights & Abuse Committee, Pakistan Pediatric Association, Pakistan

Ms. Salma Ali, Executive Director, BNWLA, Bangladesh

#### INGO Representatives

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#### Child and Young Adult Representatives

Mr. Amin, Bal Mazdoor Ki Awaz, India

Ms. Depali, Save the Children, Bangladesh

#### UNICEF Secretariat

Dr. Ashok Nigam, UNICEF ROSA

Ms. Kiran Bhatia, UNICEF ROSA



## ANNEXURE 8

### SUMMARIES OF COUNTRY PRESENTATIONS

#### BANGLADESH

Mr. K.M Ehsanul Haq, Secretary, Ministry of Women and Children Affairs, and Ms. Deena Huq, Joint Secretary, Ministry of Women and Children Affairs

**Emerging issues:** Although reliable quantitative data on the extent of CSEC and CSA are lacking, both trafficking and child sexual abuse are increasing and are law enforcement and socio-economic issues involving all levels of society. Mechanisms for gathering and sharing information must be improved, while current research is enhancing understanding of the causes and methods of CSEC and is providing insight into the lives of child victims. Information on the sexual exploitation of boys has emerged only recently. Lack of information constrains the development of a comprehensive policy and programmatic response.

**Trafficking:** Extensive trafficking occurs both within Bangladesh and from Bangladesh to other countries, largely for forced prostitution but also for labour or bonded servitude. NGOs estimate that thousands of women and children are victims of trafficking each year and boys have been trafficked to the Middle East for work as camel jockeys. Victims of trafficking are lured by false promises, often lack normal family support and are seeking to escape poverty.

**Sexual Exploitation:** CSEC occurs in registered brothels as well as in streets, parks and stations, involving children as young as 10 or 11 years of age. Children in street-based prostitution are harassed by the police, cheated by customers, suffer theft, and lack basic amenities to handle the business of daily life. Many boys become involved in criminal activities to earn money. For many children drugs are the only escape from physical and mental pain. Vulnerability to HIV/AIDS is a fact of life for all sexually exploited children.

Although brothels are high-risk environments for all children who live there due to exposure to various drugs and other forms of desensitisation, girls in brothels are better off materially and physically than those on the street, despite lacking freedom of movement. Chukris, bonded sex workers, suffer particular exploitation, paying off their debt with their earnings, and forced to work daily, without respite.

**Child Sexual Abuse:** CSA affects all strata of Bangladeshi society, with children being vulnerable from a very young age and girls at greater risk. Abusers come from many social and occupational groups and most are known to the victim. Lack of awareness about CSA, CSEC and child rights among children, families and communities increases children's vulnerability. The rights of certain groups of children are particularly ignored. Poverty, lack of economic opportunity, widespread harassment of girls in public places and poor law enforcement are major contributory factors, while the existing response system and support services for victims are inadequate and co-ordination weak. Acute stigmatisation of child victims is a major obstacle to recovery and reintegration.



**Achievements since First World Congress:** Greater understanding of the seriousness of the problems of CSA and CSEC along with ratification of CRC and the Optional Protocol, and ILO Convention No. 182. The Suppression of Violence against Women and Children Act includes sexual harassment as an offence. The NPA for Children 1997-2002 contains a chapter on children in need of special protection that includes victims of CSEC and CSA and a 3-year pilot programme to combat child trafficking has been initiated. A Core Group to develop a NPA against Sexual Abuse and Exploitation of Children including Trafficking was established in early 2001 and many steps have been taken towards implementing all aspects of the Stockholm Agenda. A participatory approach to formulating the NPA, consultations with child victims and children at risk, and sub-national and national consultations have been identified as good practices.

**Key Challenges to Implementing the NPA:** Raising awareness about sexual abuse, and gender issues, review legal inconsistencies and improving law enforcement, punishing perpetrators and not victims are crucial. Sustainable livelihood development must be promoted, especially in rural areas, and the capacity of service providers strengthened. Mainstreaming children and young adult participation, with transparency in information sharing with children, and overcoming the stigmatisation of brothel children must move forward. The development of monitoring and evaluation indicators to assess progress and guide future policy is essential. Recognising the large amount of work remaining to protect children from CSEC and CSA, the commitments made at the South Asia Consultation and the Second World Congress must be honoured.

## **BHUTAN**

**Dr. Sangay Thiney, Secretary, Ministry of Health and Education, Royal Government of Bhutan**

### **Introduction**

- ◆ Bhutan has seen rapid development in the communications and social sector since the 1960s.
- ◆ Current enrolment in primary education has reached 72%.
- ◆ Life expectancy has risen to 66 years.
- ◆ Infant mortality has decreased to 60/1000 from 154/1000.
- ◆ Population growth rate is down to 2.5% from 3.1%.
- ◆ Government follows the philosophy of the Gross National Happiness.

### **CRC commitments**

- ◆ Ratification on 3 May 1990.
- ◆ Not present at the First World Congress against Commercial Sexual Exploitation of Children but party to CRC.
- ◆ National CRC Committee with MoHE as Focal Point established in 2000.
- ◆ CRC report submitted in 1999 and reviewed in June 2001.



## Addressing CSA & CSEC

- ◆ Lack of data makes assessing extent difficult.
- ◆ Available information indicates CSA does occur, but CSEC is not a current problem.
- ◆ Following social measures initiated:
  - CRC Committee and Youth Development and Rehabilitation Centre
  - Global Movement for Children and awareness raising through media
  - Multi-sectoral Committees on CSWs and HIV/AIDS
  - RENEW – a NGO being initiated
- ◆ Legal measures
  - Rape Act enacted – 1993.
  - Prohibition of Child Employment in 1994 law on wage rates, recruitment agencies and workmen's compensation.
  - Pornography – possession and trade prohibited by law.
  - Marriage Act of 1980 amended to address rape, legal age of marriage and child support.
  - Corporal punishment banned; Teacher Code of Conduct instituted.
  - Immoral Trafficking Act & Juvenile Justice Act in draft.

## Concerns

- ◆ Lack of accurate information and monitoring mechanisms for CSA and CSEC.
- ◆ Vulnerable groups: children of broken homes, domestic help, out of school children.
- ◆ Rural-urban migration and issues of globalisation.
- ◆ Prostitution and trafficking.

## Priorities

- ◆ Services for counselling, rehabilitation and information resources.
- ◆ Creation of general awareness.
- ◆ Harmonising national laws with CRC.

## Enabling Environment

- ◆ HM the King: "The future of our nation lies in the hands of our children."
- ◆ Buddhist tenets outline the duties of guardians and parents towards their children.
- ◆ Social norms: Agrarian rural community (79%), generally matriarchal society with equal inheritance, out of wedlock children suffer no social taboos, gender equality.

## Conclusion

Rooting out CSA and CSEC is a hope that we must achieve.



## INDIA

Mr. R.V.V. Ayyar, Secretary, Department of Women and Child Development and  
Mr. R.K. Ohja, Deputy Secretary, DWCD

### Basic Framework of Protective Measures

- ◆ Fundamental right against exploitation guaranteed by Constitution of India.
- ◆ Trafficking in human beings prevented by Article 23 of the Constitution of India.
- ◆ Immoral Traffic (Prevention) Act supplemented by the Penal Code prohibits trafficking in human beings and authorises severe penalties for sexual crimes against children.
- ◆ Juvenile Justice (Care and Protection of Children) Act provides for child welfare committees in each district where children are kept in children's homes.

### Judicial Activism against Trafficking

- ◆ Vishaljeet vs. Union of India (1990) mandated that Central and State Governments set up Advisory Committees to eradicate child prostitution, provide care, protection, treatment and rehabilitation of victims, amend existing laws and examine the *Devadasi* and *Jogin* traditions with suggestions for rehabilitation and welfare.
- ◆ Gaurav Jain vs. Union of India (1997) mandated in-depth study of the problems of prostitution, child prostitution and evolution of schemes for rescue and recovery.

### Achievements since First World Congress

- ◆ National Plan of Action 1998 : salient features include prevention, combating trafficking, awareness generation and social mobilisation, health care, education and child care, housing and civic amenities, legal reform and law enforcement, rescue and rehabilitation, institutional machinery.

#### Prevention is seen as two-pronged:

- Awareness Generation through sensitisation of major stakeholders and society in general through regional workshops, training manuals for professionals, and media campaigns.
- Economic Empowerment of women through training, income generating and micro-credit schemes, support services, and awareness generation programmes.

#### Protection:

- Amendment of Immoral Trafficking Act to make law more sensitive to victims and impose greater culpability on traffickers.
- Creation of a network of special high-level police officers – Special Trafficking Officers.
- MOUs at the metro city level between heads of administration, police, welfare departments and representatives of local NGOs is being deliberated,
- Guidelines on curbing trafficking have been sent to state governments,
- Documentation initiatives to gather information for formulating effective strategies against trafficking.



- A three-tiered evaluation mechanism: Report form District Officials to State Advisory Committee to Central Advisory Committee.

#### **Recovery and Reintegration:**

- Swadhar scheme for women in difficult circumstances providing various types of support along with social and economic rehabilitation
- Grants in aid for victims of trafficking concentrating on traditional areas, source areas and destination areas.

#### **Co-operation and Collaboration: National, Regional and Global levels**

#### **Future Challenges**

- ◆ Strict enforcement of laws
- ◆ Deterrent punishment to traffickers
- ◆ Elimination of trafficking media and networks
- ◆ Rehabilitation of rescued victims

#### **Future Approaches**

- ◆ National Commission for Children – to safeguard their constitutional and legal rights
- ◆ National Policy and Charter for Children embodying government's agenda for children

## **MALDIVES**

### **Captain Ibrahim Latheef, Police Headquarters, Maldives**

#### **Background**

- ◆ Small country (pop: 269,000 with half of population under 18) spread across 201 islands and 90,000 sq. km.
- ◆ Significant development progress since 1994.
- ◆ Economy depends on two sectors: tourism and fisheries.

#### **CSEC and CSA in Maldives**

- ◆ To date CSEC, sex tourism, and child prostitution have not been reported.
- ◆ CSA involving expatriate workers has been reported.
- ◆ Children residing away from home for education are susceptible to sexual abuse.

#### **Efforts to implement CRC and halt CSA**

- ◆ Unit for the Rights of the Child (1992): to ensure protection of children's rights, rehabilitate delinquent and disobedient children, re-establish family relations, create awareness of child rights.
- ◆ National Council for the protection of the Rights of Children (1992) composed of senior officials of government ministries and NGOs.
- ◆ Advocacy and sensitisation programmes.
- ◆ The Child Protection Project (1998), enabling establishment of a reporting mechanism and facilitating efficient data collection



- ◆ New Family Law protects child rights
- ◆ Legal review in 2000 to determine whether national laws fully comply with CRC

### Strengthening the juvenile justice system

- ◆ Law on the Protection of the Rights of Children (9/1991) closely follows CRC
- ◆ Modification of juvenile justice to promote child dignity and pursue social reintegration of young offenders
- ◆ Community-based rehabilitation efforts fortified along with establishment of a Juvenile Detention Centre
- ◆ Establishment of Juvenile Court
- ◆ Family conferencing through the Juvenile Court
- ◆ Child Protection Unit established by Police Department

### Capacity Building in Child Protection

- ◆ Child protection workers trained in Male' and abroad
- ◆ Improve capacity of police to investigate and prosecute offenders

## NEPAL

**Pratap Kumar Pathak, Joint Secretary, Ministry of Women, Children and Social Welfare**

Mr. Pathak began by noting that ratification of the CRC in 1990 introduced Nepal to the rights approach for child development programs.

### Achievements following CRC and First World Congress

- ◆ National Plan of Action on Gender Equality and Empowerment of Women (1997).
- ◆ National Policy and Plan of Action to Combat Trafficking in Women and Children for Commercial Sexual Exploitation (1999).
- ◆ Ratification of ILO Convention No. 182.
- ◆ Legislative improvements
  - Children's Act
  - Child Labour (Elimination) Act
  - Human Trafficking (Control) Act
  - National Human Rights Commission Act
- ◆ Abolition of bonded labour and rehabilitation of children of bonded labour.
- ◆ National Focal agency for Children as a Separate Ministry.
- ◆ Joint Initiative against Trafficking in Women and Girls with UNS Task Force on Trafficking (2000).
- ◆ Family-level interventions for social and economic empowerment.





### Problems and Challenges

- ◆ Increased incidence of gender-based violence and exploitation of children, especially girls.
- ◆ Poverty and lack of awareness.
- ◆ Low financing capacity of the state.
- ◆ Socio-cultural hindrances such as discrimination against girl children.
- ◆ Inadequate information on child labour, trafficked children, child marriage, children in difficult circumstances.
- ◆ Economic liberalisation and open borders contributing to market dynamics in child labour and trafficking for sexual purposes.
- ◆ Insurgency in Nepal's rural areas, particularly the mid and far-west.
- ◆ Negative consequences of globalisation and lack of safety nets to improve children's status.
- ◆ Lack of a comprehensive social security system.

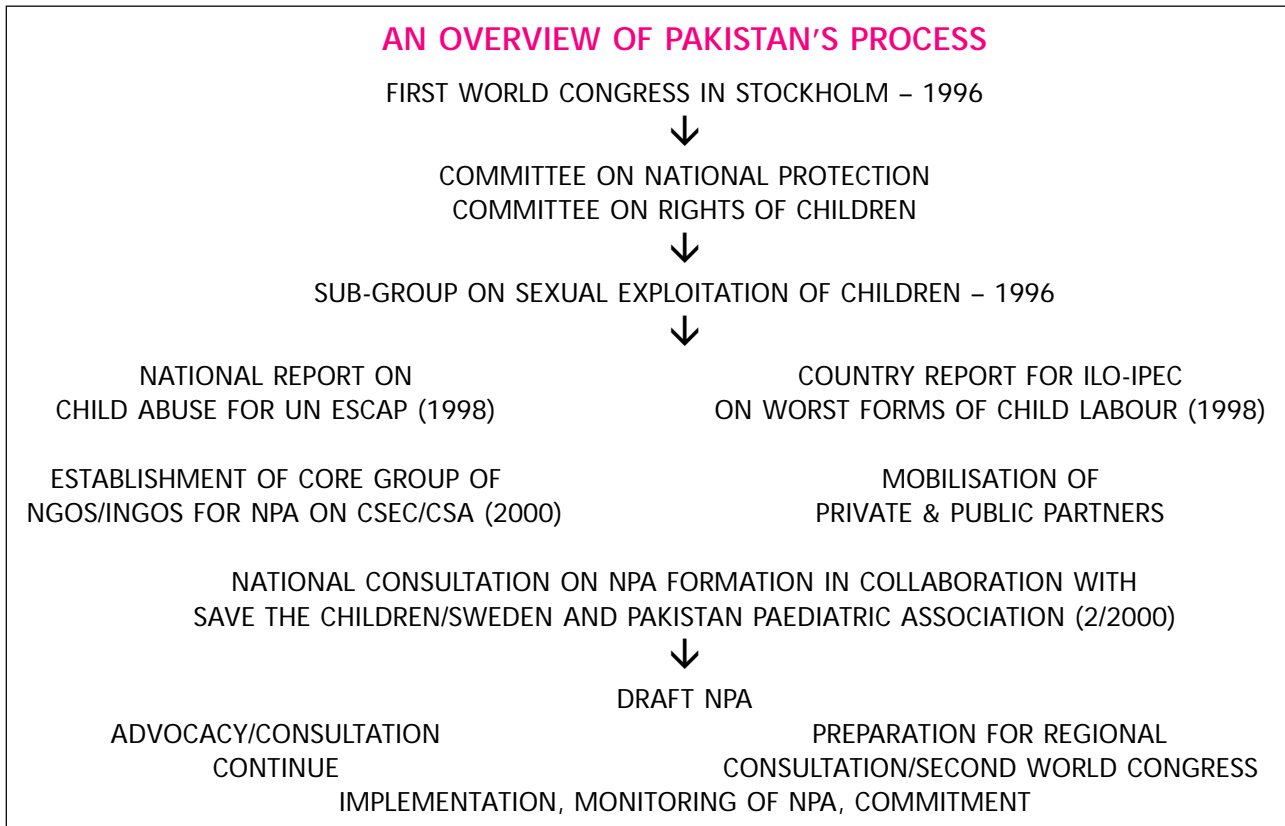
### Future Commitments

- ◆ Effective implementation of CRC and CEDAW.
- ◆ Ensuring good quality basic education including life skills and livelihood opportunities.
- ◆ Adopt SAARC Regional Convention on Trafficking in Women and Children.
- ◆ Institutional strengthening for effective enforcement and implementation.
- ◆ Development of information system on children for planning, monitoring and co-ordination.
- ◆ National level legislation for child protection.
- ◆ Mobilisation of capacity and resources of civil society for prevention, development, rehabilitation and reintegration.
- ◆ Improved understanding of children's sexual exploitation, trafficking, prostitution, migration and HIV/AIDS.
- ◆ Social security for children marginalised due to negative consequences of globalisation.
- ◆ Strengthening financing capacity of state for children.
- ◆ Strengthening and mainstreaming children's participation in policy, legislation and programming.
- ◆ Information and advocacy targeted to at-risk families and communities.
- ◆ Mobilisation of support from civil society, corporate sector, and mass media.
- ◆ Information exchange within region regarding assistance to child victims.
- ◆ Facilitate co-operation between GOs and NGOs to strengthen capacity for prevention and assistance to victims.



## PAKISTAN

Mr. Muhammad Hassan Mangi, the Director General of the Council on Child Welfare and Development with other members of the delegation discussing their projects and roles.



### Additional Initiatives and Commitments following First World Congress:

- ◆ NCCWD/UNICEF national study on domestic child abuse.
- ◆ NCCWD/UNICEF in collaboration with Lawyers for Human Rights and Legal Aid and Pakistan Paediatric Association is launching a capacity building and sensitising program for doctors and para-medics on how to deal with child abuse cases.
- ◆ Juvenile Justice Administration Ordinance granting constitutional and legal protection.
- ◆ LHLRA organised Human Resource Development course on psycho-social and medical services for sexually abused and exploited children in 2000.
- ◆ Sensitising NGOs on Commercial Sexual Exploitation of Children.
- ◆ Establishment of Crisis Centres for Women in Distress.
- ◆ Signed Optional Protocols on CRC regarding Sale of Children, Child Prostitution and Pornography and Involvement of Children in Armed Conflict – 26/9/2001.
- ◆ Many NGOs working on counselling, awareness raising and prevention through various methods.
- ◆ LHLRA provides Legal Aid Services for victims and established a help-line/referral service.
- ◆ Journalists for Democracy and Human Rights (JDHR) sensitising media on pornography.



### Future action

- ◆ Approval and implementation of Policy and Plan of Action
- ◆ Review/Assessment of the issue from legal, social and economic perspectives
- ◆ Networking with all levels of government, UN agencies, academics, NGO and media
- ◆ Development/Maintenance of database and profile of abusers

### Good practices

- ◆ Advocacy, counselling and awareness raising created room to accept Commercial Sexual Exploitation of Children as a reality in social discourse
- ◆ JDHR's media sensitisation exposed the menace of child abuse and sexual exploitation
- ◆ LHRLA/UNICEF Help-line serves as referral service and documents CSEC and CSA
- ◆ SAHIL's program to sensitise children on CSA by influencing syllabus successful
- ◆ Child participation in theatre campaigns.

### SRI LANKA

Professor Harendra de Silva, Chairman, National Child Protection Authority

#### Identifying the problem: The 'iceberg' of sexual abuse

- ◆ Incest and Domestic Abuse: the large hidden aspect
- ◆ 'Local' Sexual Exploitation: a smaller component, minimally visible
- ◆ Foreign Paedophilia: the visible tip of the iceberg

#### 'Push' and 'Pull' Factors of trafficking and sexual exploitation

**Push factors:** Poverty and poor education leading to ignorance, alcoholism and drugs, domestic violence and domestic child sexual abuse, gender discrimination, single mothers

**Pull factors:** Money and other promises, especially to parents; gifts to children; 'adoptions', prospects of foreign travel

#### Overlapping areas

- ◆ Adult prostitution, female and male
- ◆ Foreign and local paedophilia
- ◆ Incest and domestic abuse



### **SRI LANKA PROCESS:**

Awareness & Research on all forms of Child Abuse Including Sexual Exploitation

POST FIRST WORLD CONGRESS

Agitation by:

Professionals, NGOs UN/International bodies                      District Child Protection Committee, Galle

PRESIDENTIAL TASK FORCE (1997)

NATIONAL CHILD PROTECTION AUTHORITY (1999)

NCPA 5-YEAR STRATEGIC PLAN (2001)

NATIONAL ACTION PLAN ON TRAFFICKING (2001) (with ILO/IPEC assistance)

### **National Child Protection Authority (NCPA)**

- ◆ Interdisciplinary co-ordination in implementation
- ◆ Participatory approach including officials, academics, professionals NGOs
- ◆ Main areas of action:
  - awareness
  - skills development of professionals
  - rehabilitation and protection
  - legal reform and enforcement
  - investigation and monitoring
  - cyber-watch to monitor child pornography using SL children and sale/trafficking of SL children over the net
  - surveillance unit with full time investigator
  - rehabilitation and re-integration
  - small core group of trainers/larger middle group of trainers/grassroots counsellors
- ◆ Education as a Preventive Strategy

### **Constraints**

- ◆ Denial at all levels
- ◆ Prosecution of foreigners difficult
- ◆ Extra-territorial prosecutions – how to monitor?
- ◆ Accountability of police, prosecutors, foreign government



## ANNEXURE 9

### RECOMMENDATIONS FOR FOLLOW-UP ACTION AFTER THE SECOND WORLD CONGRESS AGAINST COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

#### BANGLADESH

##### Recommendations from Children and Young Adults:

1. A SAARC Children's Committee to be formed with formal approval by the governments. The Children's Committee will meet yearly to review progress prepare reports for government action.
2. Bangladesh Children's Committee will monitor and share data on child trafficking, CSEC, and CSA without interference or bias.
3. Children want a child-friendly version of the NPA and Yokohama Outcome document.
4. Crimes must be reported by the media and police harassment of children must end.
5. Special courts for children in conflict with the law. Children should not serve sentences in adult jail, but should be sent to centres practicing sound rehabilitation processes.
6. A national TV channel should be initiated for children.
7. Not all of the CRC's 54 articles affect children of Bangladesh. We should separate the articles that reflect children in Bangladesh and take specific interventions.
8. Shelter Houses should be child friendly, and more widely available.
9. Children must not be used by political parties for processions or violence.

##### Recommendations of other group members:

1. Core Group to convene a stakeholder meeting with Bangladesh delegation to Second World Congress, including decision-makers
  - ◆ When: Period between NPA and going to Yokohama (by end November/early December).
  - ◆ Content: presentation to be shared and critiqued for comments/revision as required during this meeting.
2. Can Bangladesh make input to the Yokohama Outcome Document? If so, compile input.
3. Review Second World Congress agenda for see where Bangladesh can be actively involved.
4. Delegation to the 2<sup>nd</sup> World Congress should follow up with a presentation to stakeholders in 1/2002.
5. As relevant, further input from the South Asia Strategy could be incorporated in the NPA and vice-versa.
6. Develop mechanism for regional annual/bi-annual follow-up for review and monitoring of implementation of the South Asia Strategy and Yokohama Outcome Document, possibly co-ordinated by a leading child rights organisation such as UNICEF.
7. Approve draft NPA and develop a work-plan for its implementation.



## BHUTAN

### Recommendations for Follow-up Action

1. The South Asia Strategy against Commercial Exploitation of Children and Child Sexual Abuse to be discussed with all concerned agencies and sectors
2. The draft Yokohama Global Commitment to be discussed at country level
3. Finalise Bhutan's delegation to Yokohama, including children and young adults
4. UNICEF to facilitate and co-ordinate with the government

## INDIA

### Recommendations for Follow-up Action

#### *Action points*

1. Share outcome from the South Asia Consultation with those not participating: HAQ/UNICEF
2. Establish national working groups of GOs, NGOs, INGOs, IGOs, including children and young adults
3. Solicit comments on the draft summary report in preparation for Yokohama from HAQ and UNICEF
4. Strengthen existing networks working on CSA and CSEC and plan long term strategies beyond Yokohama – HAQ/UNICEF/GOI
5. Document best practices – GOs/NGOs
6. Organise a national consultation for Yokohama and beyond – GOI
7. Co-ordinate NGO participation in Yokohama – DWCD, UNICEF, UNIFEM
8. Improve collaboration among UN agencies – all IGOs

#### *Regional and international follow up*

9. Call for regional and national consultations at regular intervals
10. Call for establishment of an international steering committee to take the agenda forward on a long-term continuous basis.

## MALDIVES

### Recommendations for Follow-up Action

#### *Government*

- ◆ Brief the Ministry of Women's Affairs and Social Security on the South Asia Consultation for Yokohama.
- ◆ Formulate a Preparatory Committee to study and comment on the documentation prepared for Yokohama in the light of the South Asia Consultation. Participation by many agencies in Child protection including NGO's and children/young adults.

#### *NGOs*

- ◆ Identify other NGOs working in the area of child protection.
- ◆ Encourage initiation of community based activities, specifically focused on addressing issues related to CSA (awareness, advocacy and rehabilitation)



### *Children/Young Adults*

- ◆ Briefing to Changemakers Club
- ◆ Prepare 2002 Work plan including the Theme on CSA
- ◆ Focus on advocacy and awareness raising to:
  - BREAK THE SILENCE
  - ADDRESS THE CONSEQUENCES OF CSA
  - CAMPAIGN TO STOP CSA
- ◆ Target Groups: Students, Parents and Teachers

## NEPAL

### Recommendations for Follow-up Action

#### *Government:*

- ◆ Update and incorporate recommendations of the South Asia Consultation in the NPA of Nepal.
- ◆ Harmonise the Nepali laws and legislation with the International Conventions and Treaties. Specifically for:
  - Age of the child = 18 years
  - Right to organisation of and by children

#### *NGOs:*

- ◆ Dissemination workshop on the South Asia Consultation outcome
- ◆ Preparation of partner NGOs effective and efficient participating in the 2<sup>nd</sup> World Congress in Yokohama
- ◆ Preparation of a National presentation for Yokohama
- ◆ Finalisation of the National Report of Nepal in collaboration with the Government and Children

#### *Children:*

- ◆ Sharing of the outcomes of the South Asia Consultation with the children of Nepal
- ◆ Dissemination of the outcomes of the South Asia Consultation via radio and TV with support from CeLRRd and Caritas
- ◆ Establishment of a consultation network for children in Nepal to prepare for Yokohama using existing child network, child clubs and child groups

### Immediate next steps:

- ◆ Briefing and preparatory meeting for 2<sup>nd</sup> World Congress organised by HMG/N in collaboration with the NGOs and Children, and supported by UNICEF.
- ◆ Immediate amendment of currently proposed Children's Act, Counter Trafficking Act and Criminal Procedure Code.



## PAKISTAN

### Recommendations for Follow-up Action

#### *Prior to 2<sup>nd</sup> World Congress*

- ◆ Signing and implementation of National Plan of Action – advocacy within government
- ◆ Media awareness campaign on Stockholm commitment leading to Yokohama Congress
- ◆ Preparation of information kit
- ◆ Press Briefings on South Asia Consultation (Islamabad, Karachi)
- ◆ Mobilisation and formation of local NGO consortium
- ◆ National Conference on Child Rights, including CSEC and CSA
- ◆ National Conference of news editors on CSEC and CSA
- ◆ Production and Publication of material for Yokohama Congress
- ◆ Publication of findings of country report on trafficking
- ◆ Publication of the report on child abuse
- ◆ Assist NGOs in displaying/distributing relevant material at Yokohama

#### **Follow-up activities**

- ◆ Review existing studies and identify need for additional studies to prepare situation analysis
- ◆ Review existing laws on trafficking, child abuse and pornography, and suggest new ones
- ◆ Strong enforcement of relevant existing laws
- ◆ Draft code of ethics for government and NGOs for safe and secure management of shelters and orphanages
- ◆ Compile regional best practices
- ◆ Capacity building of service providers
- ◆ Formation of Children and Youth networks
- ◆ Develop Resource Centres

## SRI LANKA

### Recommendations for Follow-up Action

#### *Government*

1. Enhanced allocation of resources
2. Continuous review of legal procedure
3. Monitoring of:
  - ◆ Law enforcement procedure
  - ◆ Incidents and victims
  - ◆ Institutional care
  - ◆ Counselling services





4. Strengthening of capacity-building measures.
5. Strengthening co-ordination between :
  - ◆ Ministry of Foreign Affairs
  - ◆ Police
  - ◆ Immigration

#### ***NGOs***

1. Continue and enhance awareness-raising, and economic empowerment of at-risk groups
2. Lobbying for:
  - ◆ Legal reforms
  - ◆ Improved child-friendly procedures in all settings, etc
3. Training for teachers and other care-givers in child protection
4. Enhancement of school counselling services

#### ***Children/Young Adults***

1. Appointment of appropriate persons as counsellors in schools
2. Seminars for children by children
3. Moral upliftment programmes for students and teachers
4. Extend child protection committees to all schools

#### ***General***

1. Co-ordination between all concerned groups to be enhanced
2. Share the consultation deliberations with relevant national agencies

#### **Next Steps Towards 2<sup>nd</sup> World Congress**

Reporting back on outcome of South Asian Consultation to the relevant authorities.



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- <sup>72</sup> UNESCAP, Government of Japan, NCCWD Pakistan (2001), *Sexually Abused and Sexually Exploited Children and Youth in Pakistan, A qualitative assessment of their health needs and available services in selected provinces*, New York.
- <sup>73</sup> Clause 1 of the Section on Incest of the New Muluki Ain
- <sup>74</sup> UNESCAP, Government of Japan, NCCWD Pakistan (2001), Op. cit.
- <sup>75</sup> This law deals with the offense of zina (adultery) and contains severe punishments, including flogging, rigorous imprisonment and stoning to death in a public place.
- <sup>76</sup> SPARC (2000). Op cit.
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