



# THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN SOUTH ASIA

Developments, progress, challenges and recommended strategies for civil society

November 2014





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# TABLE OF CONTENTS

FOREWORD	i
ACKNOWLEDGEMENTS	ii
ACRONYMS	iii
EXECUTIVE SUMMARY	iv
<b>INTRODUCTION</b>	<b>1</b>
<b>SECTION 1. CONTEXT AND INTERSECTING VULNERABILITIES</b>	<b>7</b>
Demographic Transition and Youth Unemployment	8
Poverty and Inequality	8
Low Educational Levels and Child Labour	9
Child Marriage	10
Inadequate Birth Registration	11
Gender Discrimination and Violence against Women and Girls	11
Armed Conflicts, Natural Disasters and Displacement	12
Harmful Traditions and Practices	13
Migration	13
HIV/AIDS	14
Other Factors	15
<b>SECTION 2. CSEC MANIFESTATIONS AND EMERGING TRENDS IN SOUTH ASIA</b>	<b>9</b>
Gateway to Sexual Abuse and Exploitation: Early Marriage and School Dropout	18
Child Marriage and Trafficking	20
Poverty and Disparity	21
Prostitution of Children	23
Trafficking of Children for Sexual Exploitation	26
Child Abuse Materials and Sexual Exploitation of Children Online	28
Sexual Exploitation of Children in Travel and Tourism	34

<b>SECTION 3. ADDRESSING COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN SOUTH ASIA: INSTITUTIONALISING CSEC SYSTEMS AND STRENGTHENING CHILD PROTECTION MECHANISMS</b>	<b>39</b>
Identifying Causal Linkages to Address the Complexity of the Emerging CSEC Scenario	40
A Human Rights-Based Approach to Combating CSEC	42
Balancing Prevention and Curative Approaches	43
<b>3.1. INSTITUTIONALISING CSEC SYSTEMS</b>	<b>45</b>
NATIONAL PLANS OF ACTION	45
THE LEGAL CONTEXT	48
Regional Legal Framework	48
Status of Ratification and Submission of Alternative Reports	49
Compliance with International Legal Standards	51
Law Enforcement Training and Child-Friendly Justice for CSEC Survivors	55
COORDINATION AND COOPERATION	57
Coordination and Cooperation at National and Local Levels	58
Regional Coordination, Initiatives and Forums	60
<b>3.2. STRENGTHENING CHILD PROTECTION MECHANISMS</b>	<b>66</b>
PREVENTION	66
SUPPORT SERVICES	82
<b>3.3 CHILD AND YOUTH PARTICIPATION</b>	<b>89</b>
<b>SECTION 4. CONCLUSION AND WAY FORWARD</b>	<b>96</b>
<b>ENDNOTES</b>	<b>101</b>

# FOREWORD

Over the past decade, evidence has emerged worldwide suggesting that the sexual exploitation of children is becoming more pervasive and increasingly complex. Unprecedented developments in information and communication technologies (ICTs) along with the erosion of social norms and sexual mores met with global trends that transcend national contours like poverty and the major growth in travel and tourism, all put an increasing number of children at risk of becoming victims to the various manifestations of sexual exploitation.

The sense of outrage and relentless efforts spearheaded over the years by ECPAT member organisations in collaboration with other stakeholders have undoubtedly led to progress on many fronts. Through its civil society network active in almost 80 countries and longstanding partnerships with a myriad of child protection agencies, ECPAT seeks to revitalise actions to end the commercial sexual exploitation of children in every region of the world.

The Strategic Framework that the ECPAT International Assembly sets forth every three years for the organisation is intended to guide in the achievement of this goal. The review and planning process that defines this Framework is meant to identify strategies and interventions needed to address the evolving and multi-faceted forms of child sexual exploitation. This Regional Overview on the Sexual Exploitation of Children in South Asia was compiled as part of the process to determine the Framework for 2015-2018.

In addition to mapping and examining the key socio-economic factors impacting the protection of children and the emerging trends related to child sexual exploitation in South Asia, the Overview assesses the status of actions taken against this crime within individual countries in the region. It also proposes recommendations for strengthening child protection systems and responds to the prevention, protection and recovery needs of child victims and vulnerable children. The document was validated during the ECPAT Regional Consultation in Kathmandu, Nepal (8-10, September 2014), which was organized by ECPAT Nepal and led to the identification of regional priorities and strategies for enhancing political will and actions in South Asia.

The development and validation of the Overview was facilitated by Sumnima Tuladhar, Regional Representative to the ECPAT International Board of Trustees, ECPAT member organizations, officials of regional mechanisms and entities and child rights experts. We also acknowledge the support of Thomas Kauffman, Executive Director of ECPAT Luxembourg, in making the Regional Consultation possible. We are indebted for their generous technical inputs, collaboration and commitment in fighting the commercial sexual exploitation of children.

The year 2014 marks the 25th the anniversary of the United Nations Convention on the Rights of the Child. ECPAT presents this Overview with a reminder to all duty bearers of child rights in South Asia that according to the Convention every child – regardless of background, ethnic origin, gender or location– has the right to live free from sexual exploitation. Protecting children from this intolerable crime is everyone’s responsibility and can only be realised with the commitment and support from all key stakeholders and sectors.



Dorothy Rozga  
Executive Director  
ECPAT International

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The Overview draws on the ECPAT's Country Monitoring Reports on CSEC in each member country in the region and relied on substantive inputs from ECPAT member groups, partner organisations, child rights experts and Secretariat staff.

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# ACRONYMS

<b>ATSEC</b>	Action against Trafficking and Sexual Exploitation of Children
<b>CBATN</b>	Cross Border Anti-Trafficking Network
<b>CEFM</b>	Child/early/forced marriage
<b>CETS</b>	Child exploitation tracking system
<b>CRC</b>	Convention on the Rights of the Child
<b>CSE</b>	Commercial sexual exploitation
<b>CSEC</b>	Commercial sexual exploitation of children
<b>CSO(s)</b>	Civil society organisation(s)
<b>CST</b>	Child sex tourism
<b>CWIN</b>	Child Workers in Nepal
<b>EICYAC</b>	ECPAT International Child and Youth Advisory Committee
<b>GSMA</b>	Global Association of Mobile Providers
<b>HIV/AIDS</b>	Human immunodeficiency virus/Acquired immunodeficiency deficiency syndrome
<b>ICTs</b>	Information and communication technologies
<b>INHOPE</b>	International Association of Internet Hotlines
<b>ISP(s)</b>	Internet service provider(s)
<b>NCCs</b>	National Coordinating Committees
<b>NGO(s)</b>	Non-governmental organisations
<b>NPA(s)</b>	National Plans of Action
<b>OPIC</b>	Optional Protocol to the Convention on the Rights of the Child on a Communications procedure
<b>OPSC</b>	Optional Protocol on the sale of children, child prostitution and child pornography
<b>POCSO</b>	Protection of Children from Sexual Offences Act (India)
<b>SAARC</b>	South Asian Association for Regional Cooperation
<b>SACEPS</b>	South Asia Centre for Policy Studies
<b>SACG</b>	South Asia Coordinating Group on Action against Violence against Children
<b>SAFAHT</b>	South Asia Forum against Human Trafficking
<b>SAIEVAC</b>	South Asian Initiative to Prevent Violence against Children
<b>SECO</b>	Sexual exploitation of children online
<b>S/VAC</b>	Sexual violence against children
<b>UNDP</b>	United Nations Development Programme
<b>UNESCO</b>	United Nations Educational, Social and Cultural Organization
<b>UNICEF</b>	United Nations Children’s Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>UNWTO</b>	United Nations World Tourism Organization
<b>VAC</b>	Violence against children
<b>YPP</b>	Youth Partnership Project (ECPAT)

# EXECUTIVE SUMMARY

Throughout South Asia globalisation is causing profound social and economic changes that challenge, and often undermine, traditional norms, while simultaneously creating a gateway for vast numbers of children to become victims of commercial sexual exploitation. In today's South Asia, for example, marriages motivated by love are far outnumbered by those tied to: traditions such as the dowry system; poverty and gender roles that encourage families to rid themselves of daughters; and notions of family honour that lead parents to marry their daughters off at a young age to avert potential future "dishonour." Each of these traditional practices increases the risk of sexual exploitation for girls. In combination with today's vastly expanded availability of technology, increased ease of crossing national borders and persistent failure to register children at birth, they contribute to a favourable environment for the growth of commercial exploitation of children (CSEC).

This overview analyses the ways in which traditional norms, globalisation and other factors are fuelling rapid increases in CSEC in South Asia, where prostitution of children, child trafficking, online exploitation and abuse and sex tourism are affecting all countries. It explores the evolving shape, form and methodologies used to avoid detection by increasingly sophisticated networks of exploiters who benefit from complacency, complicity and corruption, as well as widespread ignorance of risk and unwillingness to abandon harmful traditional practices.

These trends have not gone unnoticed. Significant preventive, protective and even punitive measures have been adopted by governments committed to fighting CSEC. Organisations such as the South Asia Association for Regional Cooperation and South Asia Initiative to Prevent Violence against Children have provided guidelines and frameworks designed to reduce children's vulnerability to CSEC. Civil society organisations and NGOs, including ECPAT, have

advocated consistently for strong measures and used innovative approaches to protecting children and rehabilitating child victims. Yet CSEC continues and worsens, with grave implications for the region. This overview examines root, intermediate and underlying causes for this explosion and sets forth a series of programmatic and strategic priorities to guide action aimed to end CSEC in South Asia. The recommendations were developed by ECPAT International and member organisations in the region through a consultative process enhanced during a Regional Consultation held in Kathmandu, Nepal, September 8-10, 2014.

## Way Forward

Two core principles are likely to inform ECPAT's future programming – convergence and prevention. To set priorities and plan action, ECPAT will need to carefully review the complex web of emerging CSEC manifestations and their multiple, often interlinked, causes – at all levels of causation. ECPAT's current strategies (such as advocacy, legal reform, victim rehabilitation, blocking abusive Websites) address both direct and underlying cause of CSEC. To strengthen its work in prevention, ECPAT will need to increase its focus on *intermediate* causes of CSEC, such as early marriage, school drop-out and low levels of birth registration.

The goal would be to drive efforts by regional organisations, governments, families, communities and civil society toward collaborating in the creation of an effective "protective shield" to prevent more children from being exploited, while at the same time focussing on rescue and rehabilitation of those already victimised – both to realise their rights as children and to prevent them from repeating the cycle of victimisation by exploiting others.



# INTRODUCTION

## The Hidden Emergency of Sexual Violence against Children

When exploring the world of children, the problem of commercial sexual abuse and exploitation can be seen as a large, mainly submerged iceberg. Only recently has the tip become visible. Its dimensions appear to be massive. The shameful and criminal nature of sexual abuse and exploitation of children hides it from public discourse and marginalises it in policy. A primary challenge in designing effective responses for containing this global crisis is to develop adequate knowledge and awareness of its size and nature. Information available on sexual crimes and their consequences on the physical, psychological, emotional and social development of children is still scanty, due in part to reticence on the part of survivors, their families and communities to disclose the trauma and report victimisation. Stigma, fear, even speechlessness among the youngest victims – sometimes just infants – have contributed to keeping one of children's worst predicaments an intractable taboo. The time has come to recognise that commercial sexual exploitation of children (CSEC) is a prevailing problem across the South Asia region. ECPAT is committed to bringing to the fore and urgently addressing the silent, hidden emergency of sexual violence against children.

Since ECPAT was established nearly two and a half decades ago, the world has undergone unprecedented changes of historic significance. Unregulated global market forces have unleashed social and economic changes that have irreversibly impacted the lives of even those who survive in marginal informal economies of remote South Asian rural villages and low-income urban peripheries. Globalisation favours several determinants of CSEC: it has stimulated urbanisation, expanded trade across national borders, increased mobility of capital and labour and challenged subsistence economies. Dominated by international competition, production has been dissociated from its place of origin and workers have lost the social function of contributing to the development of their own communities.

Work has progressively turned into a commodity and workers into slaves, now being exploited at an industrial level, to a degree never seen before – not even during the transatlantic slave trade.<sup>1</sup> Trafficking in human beings is the third-largest form of organised crime globally, after trafficking in arms and drugs.<sup>2</sup> Although South Asian society, like all human communities, has not been devoid of violence in the past, the children (and women) who are bought, sold and exploited as part of the contemporary sex trade have been transformed into disposable merchandise at the mercy of powers beyond the control of national sovereignty. Globalising trends have transformed national contours and eroded social norms and sexual more rooted in centuries-old culture and tradition.

The effects of the rapid, uncontrolled economic and social changes that the world has been experiencing have been especially traumatic in fairly secluded and self-contained settings such as those that characterise South Asia. Entire communities that have yet to achieve connection to a phone line suddenly own a mobile handset. Remote villages unreachable by newspapers are now connecting to the Internet. People who may never have travelled outside the boundaries of their hamlets, or even entered the premises of a school, are now connected to the entire world through the medium of television.

Children stand at the heart of the South Asian economic and cultural tsunami. As adolescents achieve sexual maturity, their marriages are still arranged by parents via a social and economic contract sealed by the payment of a hefty dowry. Stereotyped and segregated gender roles remain broadly unquestioned. Girls' status and educational levels are low. Yet, the lives of children belonging to communities that are profoundly diverse in terms of wealth, social class, caste and ethnic background are being equally influenced by models projected by neighbouring countries, primarily India, and by what was earlier called Western culture and is now evolving into a single globalised cultural pattern.

The speed at which change is taking place is so rapid that it has been relentlessly engulfing the entire region, bringing about sweeping economic and cultural transformations in a matter of a decade or two. As the new order takes over, remnants of the old worldview survive alongside it; archaic ways of life coexist with postmodern lifestyles. Some geographical areas and social groups of the region are still embedded in tradition, whereas others have already been propelled into the future. The two ends of the spectrum are several generations apart and today's children are the link between before and after.

The past two unparalleled decades are the period in which today's adolescents were born and raised. Spread over the past and the future, the new generation has experienced the reality surrounding them at double speed. Although some children may live in small isolated villages and others in sprawling, ultra-modern cities, the present generation has feet planted in ancient Asia and heads pointed forward into the globalised future. Today's children are exposed to both worlds, although they may not have internalised and cannot fully master either of them. As the gap between youth and elders widens and intergenerational cultural transmission becomes weaker, there is growing concern about a progressive depletion of the rich South Asian cultural heritage. Disoriented parents are often incapable of protecting their children from novel risks, as the tools inherited from the ancestors are of little use in navigating unknown rough waters.

A means must be found to inject into the dramatic transition occurring in South Asia mechanisms to control the damage that may be caused, particularly to vulnerable groups. Adults responsible for protecting children can hope to succeed in moving through this maze only if guided by those who are in the forefront of change – young people themselves. As children try to make sense of the new possibilities and risks facing them, they can contribute to orienting the transformation so that it respects their rights and protects them from harm.

## Rapid Transformation of Sexual Norms

The modernisation and secularisation of South Asia, driven by radical economic reforms and growing urbanisation, is resulting in sharp changes in beliefs and practices, including in the sexual sphere. An increasingly educated middle-class has started shedding some traditional norms and is progressively engaging in social behaviours that indicate an evolving attitude toward their sexual life. For example, it is becoming more common for young people to date, have a boy or a girlfriend, independently choose a partner or opt for a 'love marriage' over an arranged marriage. Older generations blame all-pervasive Indian films and television for challenging traditional sexual norms.<sup>3</sup>

But new and old co-exist in the realm of sexual behaviour too. More young people may challenge the notion that parents pay a dowry price for an arranged marriage, although, after choosing a partner on their own some may still opt for an early marriage. Also, while gender intermingling and dating are on the rise, premarital sex and, in general, sexual relationships outside marriage are still discouraged in South Asian societies. The result is that young men, who can now count on a personal disposable income, resort to night entertainment in the sex industry as a social activity. Similarly, changing values in older men may result in behaviours that accept adultery and condone prostitution.<sup>4</sup> Some young people, even from well-to-do families, may resort to 'pocket money sex' to satisfy commercially induced needs.

***New attitudes and behaviours are redesigning the landscape of gender relationships, with increasing opportunities for self-determination, individual freedom and female emancipation – but also rising social tolerance for sexual abuse and exploitation.***

Current sexual and social norms, which serve as the backdrop of wider societal changes, may be regarded as both a cause and a result of the burgeoning sex trade. While such deeply ingrained determinants may be resistant to change, the internalisation of norms about leading a healthy and balanced sexual life, especially among younger generations, can have lasting implications not only for combatting CSEC, but also for improving gender equality and containing gender-based violence.

## Interpreting Fast Change to Shape Relevant Responses

Interpreting change as it happens and keeping pace with fast-evolving sexual norms and behaviours that gravely impact children are key challenges facing ECPAT and its regional partners. Increasingly, there may be a need to design tailor-made solutions to problems stemming from constantly shifting social, cultural and economic dynamics.

Several factors contribute to the evolving nature of CSEC in the region, each raising new questions that require reorientation in policy, programming and legislation to effectively address the scourge.

- The economics of the sex trade are changing. As young people and women lose traditional livelihoods to the global economy and are unable to find work in the domestic market, how to provide alternatives to *a job in the sex trade paying far better than any equivalent conventional occupation at the same level of skills?*
- The unrestrained sex business has assumed the dimensions of *a commercial sector* and contributes significantly to national incomes and employment in the region. Human beings trafficked and employed in sex work, regardless of age, are becoming commodities for sale or trade, the modern world's slaves. How to ensure that countries regulate the enlisting of underage persons in the sex trade, so that *today's child sex workers are systematically removed from all forms of commercial sexual exploitation and other children barred from entering?*
- As demand for sexual services has expanded, individual prostitutes working on their own on the streets or in brothels have become progressively obsolete, and the business is being reorganised at the level of an industry. *The entertainment and sex industries*, virtually unknown up to a decade ago in some countries of the region, are now the well-structured, albeit unregulated, pillars of an economic sector flourishing on the systematic exploitation of armies of young, poor girls and boys. Sexual services are progressively becoming a consumer good that *residents and tourists visiting from distant and neighbouring countries* expect to find on in their travel, holiday and night out packages.
- The line separating entertainment and sex is becoming increasingly blurred and the supply of *sexual services* is being diversified into a wide range of products, spanning from nightlife entertainment to full-fledged prostitution and pornography. How can programme responses be attuned to addressing the multiple manifestations of CSEC in their *rising complexity?* How can children growing up in South Asia be protected from *over-exposure to a culture of overt sexual enticement?*
- Consolidation of the sex trade industry relies on strong power centres that protect it from the threat of increasingly tighter regulation and law enforcement. What strategies can be adopted to *curb the lobbies controlling the sex trade* before its size and power permit it to escape national legislation and law enforcement?
- As historical South Asian brothels fall into decline, *children and adolescents in prostitutions are being pushed farther and farther away from public view* into suburbs where cell phones make them available to clients, while rendering them

- invisible to law enforcement and protection professionals. How can protection systems reach out to *these invisible victims of hazardous child labour*?
- Although fewer boys than girls are trafficked for sexual exploitation purposes, demand for male children and adolescents in other extremely exploitative forms of labour is high.<sup>5</sup> Yet boys are not spared from commercial sexual abuse and exploitation. Both homosexual and heterosexual men seek sexual experiences with boys, through prostitution and pornography. How can the understanding of *emerging manifestations of sexual and labour exploitation of male children* in the region be deepened and ways be found to provide preventive and rehabilitative responses to gender-specific violations affecting a group that has tended to be ignored in policy and programming?
  - Attention to CSEC has traditionally focussed on adolescent children, given the higher risk they run of being sexually exploited. However, evidence has revealed that abuse begins earlier in life, often within the very family that is expected to protect its children. Also, new trends indicate that the age at which full-fledged forms of CSEC start occurring is declining drastically. How can *prevention from abuse and exploitation begin at an earlier age* to avert physical, psychological and emotional vulnerability to CSEC among young children?
  - When abusive sexual behaviour begins in childhood, young victims may themselves become sex offenders. When victims are assisted to overcome the consequences of their suffering, how can they also *be kept from becoming abusers themselves*?
  - Children are not always mere pawns in the hands of exploiters. They can also play the role of employers that keep the sex industry going. How can children be helped to *break the cycle of peer-to-peer recruitment* that forces them to carry the *double burden of exploited and exploiters*?
  - Young people involved in CSE are being forced to take on adult role and responsibilities prematurely. In addition to being workers, many have children of their own, and, in fact, are more likely to remain in the sex trade because they must provide for their offspring. How can *children of child sex workers and others CSEC victims be supported to escape social stigma and grow up free from slavery, bondage or other forms of dependence on the sex industry*? How can access to health, child development and education and protection services be guaranteed for marginalised young mothers and their children, without discrimination or stigmatisation?
  - As instability resulting from political conflicts, social unrest, environmental disasters and economic transformations dislocates communities from their lands and livelihoods, how can *migrating young people* be protected from CSE in transit and at destination, while encouraging their legitimate search for better opportunities?
  - The Internet, mobile phones and TV are the powerful channels through which sex offenders are increasingly victimising children. Expanding Internet broadband and smartphone penetration greatly facilitates the exchange of larger files, including videos, photos and audios, along with live streaming. Also, the rapid rise in access to the Internet is attracting younger and younger children, well below the age of nine. While seeking to mitigate the harm that the abuse of Internet can cause to children, the challenge is to promote practices that can turn contemporary information and communication technologies (ICTs) to the benefit of children. *How can ICTs be used to connect vulnerable children, network alert systems and deliver preventive and rehabilitative services*? How can Internet, GPS technology and cell phones help track down children who have been trafficked and prevent trafficking all together?

These and other questions emerge from the way the chameleonic sex industry manages to constantly re-organise itself to evade systems created to tackle its sprawling networks and expansion into new “business opportunities”. To oppose the impact of such a dominant, profit-seeking economic force, the challenge is to successfully mould responses to the evolving contemporary sex trade and, in the process, offer a cultural alternative to the seemingly irreversible de-humanisation of South Asian communities caused by the enslaving of children and women to meet the demand of the regional and global sex market.

## Sexual Violence against Children in South Asia

To capture the critical linkages that connect CSEC determinants and manifestations and address their growing complexity, ECPAT will integrate into a coherent programme design its five thematic priority areas: child prostitution, trafficking of children, online sexual exploitation of children and pornography, sexual exploitation of children in travel and tourism and children’s participation. These themes, along with ECPAT’s core programmatic strategies (campaigning and lobbying, legal and institutional reforms, evidence building, capacity development, technical support and programmatic interventions) will be explicitly inscribed within a child rights framework.

To raise the profile of ECPAT’s action and vision, the forthcoming ECPAT programme in South Asia will be anchored firmly to global and regional initiatives combatting violence against children. The conceptual framework underpinning the programme is rooted in the notion that CSEC is inherently an intolerable form of violence against children. It is vital to recognise that sexual abuse and exploitation relate less to sexuality than to violence.

***By positioning sexual abuse and exploitation as primarily a sexual issue, not only is there a risk of missing the fundamental nature of the problem, but also of ultimately condoning an unacceptable act. As in the case of sexual violence against women, sexual violence against children must be regarded and addressed as a form of violence through sexual means, rather than as a sexual act through a violent mode.***

Indeed, because it concerns the intensely personal sphere, sexual violence is arguably the worst form of violence against children. Interfering with the child’s privacy, sexual violence against children is harmful at all levels of the personality and leaves life-long physical, emotional and psychological damage. Commercial sexual abuse and exploitation of children should be regarded as the ultimate level of violation, because it not only offends the innermost dimension of a human being at a vulnerable age, but also turns a young person into a tradable commodity. These extreme acts of de-humanisation take place when a child is too young to defend him or herself and when it leaves deepest scars.

Victims of sexual assault live with overwhelming feelings of fear, guilt, distrust, shame and an indelible sense of helplessness and low self-esteem. They often need to deal with post-traumatic stress disorders, anxiety, depression and eating and sleeping disorders. They are also more prone to engage in risky behaviours, leading to teenage pregnancy, HIV infection and other sexually transmitted diseases, drug addiction and smoking. Initial evidence suggests that sexual victimisation changes the child’s brain, leading to a risk of mental and physical health problems, including diabetes, cancer and heart disease in later life. The impact of CSEC encompasses all dimensions of the child’s wellbeing, impairing normal growth and development in the spheres of health, nutrition and education.<sup>6</sup>

Such profound trauma, especially when suffered in childhood and adolescence, undermines the full development potential of the victim and may even lead to revictimisation. Children who have experienced abuse are more likely to find themselves in abusive relationships and situations, and also to become abusive persons themselves, thus perpetuating the vicious cycle of violence received/violence inflicted. Global data indicate that one of every four sexual abusers is an adolescent.<sup>7</sup>

The effect of sexual violence inflicted on one child spreads across society at large and it is perpetuated from one generation to the next one. ECPAT is committed to stopping the viral contamination of sexual violence against children that threatens the very cultural roots of the South Asian region and its prospects for inclusive human and social development.



## **SECTION 1. CONTEXT AND INTERSECTING VULNERABILITIES**

A complex matrix of combined and interrelated factors makes children vulnerable and shapes the forces and circumstances that allow them to be commercially sexually exploited. Such elements are grounded in the political, socio-economic and cultural context in which the child lives and develops. In South Asia, as in other regions, several structural variables underpin violations of children's rights, influencing their extent and nature.

## Demographic Transition and Youth Unemployment

South Asia is a diverse region comprising Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka. With 1.62 billion people, it is home to nearly one-fourth of the world's population, making it both the most populous and most densely populated geographical region. In recent years the region has experienced sharp improvements in maternal health, leading to lower mortality and fertility rates and higher life expectancy. These results have contributed to a growing population of children and youth.<sup>8</sup> Some 621 million people in the region are younger than 18 years, with 11% (177.1 million) below 5 years of age. According to the World Bank, young people aged 15-24 account for one-fifth of the region's population. India alone has 200 million children, the largest number of young people ever to transition into adulthood, both in South Asia and the world as a whole.<sup>9</sup> The change in age structure underway in the region has determined an increased ratio of working-age to non-working-age population<sup>10</sup>, with consequences for labour markets and social welfare systems. Owing to a mismatch between the capacity that young people normally develop and the skills that employers need and a prevalence of jobs in the informal economy, youth unemployment has become an acute problem in the region, with young people accounting for half of the unemployed.<sup>11</sup>

## Poverty and Inequality

South Asia has experienced a long period of robust economic growth, averaging 6% a year over the past two decades (except for 2012) and regional GDP is projected to continue to grow in the coming years. Strong economic growth has translated into declining poverty and impressive improvements in human development. The percentage of people living on less than \$1.25 a day fell in South Asia from 61% to 31% between 1981<sup>12</sup> and 2010.<sup>13</sup> Notwithstanding progress made in overall economic growth, poverty has persisted as a result of sharp increases in income and non-income inequality over the past decade.

***With about 571 million people living on less than \$1.25 a day, South Asia has the world's largest concentration of poor people.<sup>14</sup>***

Four-fifths of the extremely poor in South Asia live in rural areas,<sup>15</sup> although poverty in urban areas is also alarming. One-third (35%) of the urban population – nearly 191 million people – currently live in slums and squatter settlements.<sup>16</sup> Urbanisation trends are expected to continue, along with rising urban poverty. The latest United Nations Development Program report on human development indicators demonstrates that the proportion of the population living in multidimensional poverty<sup>17</sup> is high throughout South Asia, with the highest rates found in Bangladesh (58%), India (54%), Pakistan (49%) and Nepal (44%).<sup>18</sup> According to UNICEF, there are 300 million poor children in South Asia, almost half of all children living in the region.<sup>19</sup> Not unexpectedly, South Asia also has the highest rate and the largest number of malnourished children in the world (69 million are moderately or severely underweight).<sup>20</sup>

The vulnerability that accompanies economic poverty among around half of the region's population is compounded by the presence and tolerance

of inequality and marginalisation based on age, gender, class, caste, ethnicity and religion. These factors combine in harmful ways to push entire social groups to the margins, leaving them with inadequate economic assets, limited opportunities, low social status and, generally, an inability to generate the resources necessary to satisfy their basic needs. Such circumstances, put families under severe strain as increasing instability erodes their capacity to act as the frontline of protection for their children. At the same time, shifts in the economy have weakened the social structures that ordinarily serve as a safety net to help meet basic needs, such as public health, education and other social services, pushing them further and further beyond the reach of those most in need. While the root causes of the growing phenomenon of child sexual exploitation are multifarious, there is no question that as more families drift towards the social and economic margins of society children's vulnerability to all forms of violence, abuse and exploitation is exacerbated.

## Low Educational Levels and Child Labour

According to UNESCO, South and West Asia have made considerable gains over the last 20 years in ensuring universal primary education, reducing the number of out-of-school children by two-thirds: from 40 million in 1999 to 12 million in 2011.<sup>21</sup> Enrolment rates are not uniform across the region. In some South Asian countries (like Sri Lanka and Maldives), primary enrolment is high (92.3 and 97% respectively) compared to other countries where primary enrolment is as low as 34%.<sup>22</sup> India has made a strong commitment to universal primary education. Its 11th five-year plan, and even more significantly the incorporation of Article 21A in the Constitution of India (86th Amendment) to make elementary education a fundamental right,

and the Right of Children to Free and Compulsory Education Act, 2009 have led to a recent surge in school enrolments and to narrowing gaps in access determined by gender and socio-economic background. However, while every 6-to-14 year-old child now has a right to elementary education of satisfactory and equitable quality in a formal school, the net enrolment ratio decreases significantly from primary to upper primary levels, indicating that dropout rates rise with the age of the child.<sup>23</sup>

The 31 million lower secondary school age adolescents out of school in 2011 show that South Asia also has a high dropout rate in secondary education.<sup>24</sup> Persisting low educational levels, especially among girls, are the result of several determinants, such as costs relating to education, poor school infrastructures, early marriage, child labour, parental illiteracy, inadequate and unsafe transportation and limited access to schools, particularly in remote rural areas and underserved low-income urban settlements.<sup>25</sup>

Since children are expected to take on adult responsibilities since a young age, child labour is common throughout South Asia. Based on officially available statistics, it is estimated that 21.6 million children aged between 5 and 14 years are working in the region (of a total of 300 million children in this age group), often employed in exploitative occupations detrimental to their growth and development. Worrying trends suggest that child labour is on the rise. The recent census in India estimated that the number of child labourers in the country grew from 11.28 million in 1991 to 12.66 million in 2011. Nearly 85% of child labourers work in "invisible" occupations – within the family or in household-based establishments.<sup>26</sup>

Although children are involved in a variety of economic roles across the vast South Asian urban and rural informal economy, commonly in agriculture and sweatshops, the worst forms of child labour are

still prevalent in the region, including domestic work, employment in hazardous industries, the sex trade and bonded labour, where children are engaged to repay loans taken by their parents. Young people may be taken forcefully, though more often are enticed, into such occupations through various forms of child trafficking.<sup>27</sup> Widespread child labour, combined with inadequate education, poverty, children's low status and gender norms reflecting the patriarchal structure of society, create a situation that is highly conducive to child sexual abuse and exploitation. In Pakistan, for example, child workers, especially those working in small hotels, restaurants and in the deep-sea fishing and transport industries, are among the most susceptible to sexual exploitation.<sup>28</sup> In Bangladesh, a UNICEF study on CSEC found that half of the children surveyed were initially involved in child labour.<sup>29</sup>

*Survival sex:* Children living or working on the streets are also exposed to sexual exploitation. In Bangladesh, for example, an estimated 400,000 children are living and/or working on the street, out of which nearly 10% were forced into prostitution for survival. In India, where UNICEF's estimate of 11 million street children is considered conservative,<sup>30</sup> sexual crimes against street children are common and often begin with exploitation by the police.<sup>31</sup> In Pakistan, nearly 70,000 children were living and working on the streets of major cities according to a 2008 National Report on Child Sexual Abuse and Exploitation.<sup>32</sup> Nomad or gypsy children, like those found in several of Pakistan's urban peripheries, also eke out a living on the streets. Neglected and forced into a street life, they are highly exposed to sexual exploitation.<sup>33</sup> Children deprived of basic family support commonly become involved in 'survival sex', providing sexual services to protect themselves from greater abuse or to provide for their day-to-day survival.

Street-based child prostitution also includes children employed in the transport industry. Child

prostitution often takes place in train stations and bus terminals, and also involves children who work in eating places serving travellers. In Pakistan, this kind of practice, suffered mostly by boys, is regarded as one of the worst forms of commercial sexual exploitation.<sup>34</sup>

## Child Marriage

Child marriage, an unacceptable human rights violation, is widely practiced in countries of South Asia, where every year millions of preteen and teen girls enter formal marriage or informal unions. The region has the highest prevalence of child marriage and the largest number of child brides in the world.<sup>35</sup> Both boys and girls are affected by child marriage but girl children are disproportionately represented and suffer more from the consequences. Early marriages are associated with domestic and sexual violence, abandonment, widowhood and divorce, and perpetuate the cycle of poverty and gender-based violence.

Child marriage or, as it is often referred to, early marriage, can be regarded as a form of forced marriage considering that one or both parties rarely have an opportunity to express their full, free and informed consent.<sup>36</sup> Child, early and/or forced marriage (CEFM) requires critical attention because it is one of the prevalent forms through which children are sold and trafficked. CEFM, based on offering a young bride in exchange for dowry money or in-kind payments, should be regarded as a form of commercial sexual abuse and exploitation in itself, as well as one of the main gateways to other forms of CSEC. The association of early marriage with school dropout reflects the disruption of the natural protective environments granted to girls in childhood. The child is removed from her home, school and, sometimes, community, and starts living under the incontestable control of her husband and

in-laws. School dropout and child marriage open the door to abuse and exploitation for life to half of the girls living in the region (see “Section 2”).

## Inadequate Birth Registration

Birth registration correlates directly with preventing CSEC as it provides children with identity certification, legal protection and entitlement to access age-appropriate education and social public services. According to UNICEF, the gap in recording a birth facilitates the falsification of age and identity of the child, including that of girls wanted for child/early marriage.<sup>37</sup>

Regrettably, however, in South Asia birth registration remains grossly inadequate, especially among rural populations. In Afghanistan, 94% of births are not registered.<sup>38</sup> In Pakistan, 70% of children are not registered at birth, leaving girls, children of minority groups and refugees particularly vulnerable to commercial sexual exploitation.<sup>39</sup> In Bangladesh, nearly half of all children lack birth registration, though this figure has dropped considerably in recent years.<sup>40</sup> Some countries, such as Sri Lanka and the Maldives, have made efforts to register births. In 2003, the Sri Lankan Parliament passed legislation allowing Tamils of Indian origin to register with the government and acquire citizenship.<sup>41</sup> However, whilst birth registration is now mandatory in the country, a significant number of births remain unregistered, mostly among refugee/returnee children, children of families living on the streets, children living on plantations, children of gypsy communities and indigenous *Vedda* children (see “Section 2”).<sup>42</sup>

## Gender Discrimination and Violence against Women and Girls

In addition to child marriage, several forms of discrimination against children in general, and gender inequality towards the girl child in particular, are still deeply rooted in norms and practices in South Asia. While boys are often viewed as assets because they are thought to assure economic and social security for the family, girls continue to be seen as a liability and less deserving of long-term consideration and investment, since they are expected to marry and leave the home.<sup>43</sup>

Although there has been much progress for girls in ensuring access to education, significant disparities persist in this sphere. According to UNESCO, 7 out of the 12 million out-of-school children of primary school age in 2011 were females.<sup>44</sup> The gender gap in school attendance widens in lower secondary education, even for girls living in better-off households.<sup>45</sup> Inequality between girls and boys in terms of access to basic education is more pronounced in some countries (such as Afghanistan, Bhutan, India, Nepal and Pakistan) and varies according to geographical context (rural or urban), socio-economic status and ethnicity (linguistic/minority group). Disparity also exists in countries where gender parity in enrolment has been largely achieved (Bangladesh, Maldives, Sri Lanka), particularly as girls’ improved access to basic education has not meaningfully contributed to their social and political empowerment. Girls are often discouraged from pursuing education paths leading to better-paying careers (e.g., in technical, vocational and information technology fields), with the result that female workers usually earn less than their male counterparts.<sup>46</sup>

Even though women's conditions have improved with economic development and social and political reforms that have promoted equality and individual rights, cultural traditions and social norms continue to have a strong influence on the status of women and girls in the region. According to the *Millennium Development Goals Report 2013*, in South Asia the share of female employment out of total employment is among the lowest in the world, with the difference in the employment-to-population ratio between men and women approaching 50% in 2012. Women also tend to hold less secure jobs than men (on farms or other family business enterprises), with little or no financial security or social benefits.<sup>47</sup>

The presence of gender disparity across the entire spectrum of the labour market in the region reflects more deeply entrenched gender inequality in other spheres, such as the family structure and organisation, political representation and legal constructs. In South Asia, girls are more prone to malnutrition than boys, are forced into arranged marriages based on the dowry system, and enjoy limited access to health services. Inadequate sanitation facilities in homes and schools expose girls to more opportunities for sexual harassment and abuse, and limit their access to education. The endemic phenomenon of gender-based violence is yet another facet of discrimination against women and girls in South Asia. Every year, countless sex-selective abortions are performed against female foetuses, while thousands of baby girls die prematurely through infanticide or other forms of violence and neglect. In Pakistan an estimated 5,000 women die yearly from domestic violence, with thousands of others maimed or disabled.<sup>48</sup> In India, of a total 24,270 cases of rape reported in 2011, a staggering 30% were committed against girls 18 years of age or below, including infants.<sup>49</sup> Over the past two years in Afghanistan more than 280 women were murdered by family members as a result of honour killings.<sup>50</sup> Even though boys are also sexually abused and exploited, often on a large scale, CSEC remains a markedly gendered problem affecting thousands of female children and adolescents all over South Asia.

## Armed Conflicts, Natural Disasters and Displacement

The situation of endemic sexual abuse and exploitation of children characterising the regional scenario is further aggravated by situations of crisis, emergency, conflict, instability, and growing environmental degradation that are increasingly affecting countries of South Asia.

Civil wars, communal unrest and armed conflicts affecting some parts of the region have often resulted in serious violations of children's rights. In Sri Lanka, the Liberation Tigers of Tamil Eelam were reported to have recruited at least 2,000 children as of 2002, and continued underage recruitment even after the peace agreement was signed in 2004. In particular, the majority of the group's child recruits were reported to be girls, some of whom were sexually exploited and abused.<sup>51</sup> The 26-year-old conflict is said to have displaced around 380,000 children in Sri Lanka.<sup>52</sup> Ongoing war in Afghanistan has caused thousands of children to be orphaned, making them more susceptible to sexual exploitation. In many cases, non-militant groups have paid parents to give away children as young as 12 to spy, fight or die as suicide bombers in Pakistan and Afghanistan, often after abusing them sexually and physically.<sup>53</sup>

In Nepal, the conflict between the government and Maoist insurgents has intensified poverty and political instability, causing a breakdown of family and community networks, with women and children suffering the direst consequences. The conflict also contributed to the rise of CSEC by dislocating rural populations to urban centres and causing the death or disappearance of thousands of boys and men, thereby increasing pressure on women and girls to support their families. These factors have pushed many desperate young people to take jobs in massage parlours and dance restaurants where sexual exploitation can take place.<sup>54</sup>

An increasing number of Rohingya Muslim girls originating from Myanmar have been displaced as

a result of ethnic violence. After fleeing originally to Bangladesh, where they were hosted in refugee shelters, many have migrated with their families to India. Some have been apprehended and charged under the provisions of the Indian Foreigners Act, while others are stranded on the Indo-Bangla border. Unrecognised as nationals by the Myanmar Government, or as refugees by the Indian and Bangladesh governments, they have no identity documents and live in conditions of extreme vulnerability.<sup>55</sup>

Natural disasters have further contributed to the vulnerability of thousands of children. In Pakistan military operations, floods and earthquakes in 2008 and 2009 displaced some 2 million people, 65% of whom were children. Internally displaced, children face serious socioeconomic deprivation, are denied access to shelter, healthcare and education, and are exposed to various forms of abuse and sexual exploitation.<sup>56</sup> In Bangladesh, where tropical monsoons, frequent floods and cyclones cause widespread damage and displace thousands of people every year, women and children are found to be increasingly vulnerable to trafficking during the post-disaster period.<sup>57</sup>

## Harmful Traditions and Practices

A number of beliefs and customs that are harmful to children and highly gender-discriminatory continue to be practiced throughout South Asia, often resulting in increased vulnerability to sexual abuse and exploitation. In some countries in the region, sexual religious or tribal traditions are being used to disguise and facilitate CSEC. In Afghanistan and parts of Pakistan, the tradition of keeping boys for sexual gratification by rich and influential men, known as *bacha bazi*, is still alive.<sup>58</sup> Victims are usually teenage boys from impoverished families, who may be dressed up as girls and taken as ‘mistresses’.<sup>59</sup> In India, the practice of *devadasi*, whereby a young girl is “married” to Yellamma, the Goddess of Fertility, eventually forces the child into prostitution, as the

dedication to Hindu deities not only requires her to become sexually available for community members, but also prohibits her from marrying.<sup>60</sup> The practice of *devadasi* is sometimes used by poor families to unburden themselves of daughters.<sup>61</sup> A similar custom, known as *Deuki Pratha*, is an ancient Hindu practice spread in the Western regions of Nepal, implying the offering of a young girl to the gods. Parents make their daughter a *deuki* to gain religious merit or to sell her to a wealthier couple seeking favour from the gods.<sup>62</sup> In India the practice of *devadasis* (or prostitution with religious sanction) has been curbed with meaningful state legislation and other effective measures, although a zero-tolerance standard has not yet been achieved.

The caste system, still prevalent in South Asia despite legislation prohibiting it, also impacts children’s vulnerability. Although Nepal’s caste system was prohibited in 1963 lower-caste minorities still suffer from discrimination, which has contributed to pushing children toward sexual exploitation for generations. This is the case of the Badi, who are still forced to engage in so-called “generational prostitution” (which also involves minor girls) as the only means of survival.<sup>63</sup> In India, a vast majority of women and children exploited for prostitution are from the Dalit, or “untouchable”, caste.<sup>64</sup>

## Migration

High levels of unemployment and limited growth and development (especially in rural areas), intra-regional and international labour migration are common features in all South Asian countries. According to the Asian Development Bank the number of migrant workers leaving the region in search of opportunities reached approximately 1.5 million in 2010; the vast majority moved to the Middle East or Southeast Asia.<sup>65</sup> While the positive economic impact of remittances alleviates economic poverty at the household level and potentially increases children’s access to services, including education, the absence of one or both parents

engaged abroad affects children's protective safety nets. In Bangladesh, where most labour migrants work in India, Malaysia and the Gulf states, children separated from their families have been identified among those most at risk of sexual exploitation.<sup>66</sup>

Although the scope of child migration in South Asia remains unknown, children and adolescents do also migrate internally or across countries in the region to cope with poverty, lack of job opportunities, conflicts, natural disasters and other factors. Deprived of family protection and adequate social safety nets, children who migrate within a country's borders (usually from rural and other impoverished areas to urban centres) often end up being trafficked and sexually exploited (see section 2). In India, for example, a study by ECPAT found that the majority of the boys suffering from sexual exploitation were migrants from various Indian states.<sup>67</sup>

International independent child migration is broadly undocumented and irregular, as children of working age tend to have few safe, legal channels through which to migrate. This exposes them to additional dangers while in transit and creates a dependency on adults, who may take advantage of them, sexually and otherwise. As undocumented migrants, children on the move are also more vulnerable to exploitation at destination and find it harder to access social services. A survey of independent child migrants en route from Nepal to India revealed that one-fourth were 11 to 15 years old, and half were aged 16 to 17. It was also found that boys accounted for 87% of the child migrants, and only 4% carried any form of identity document.<sup>68</sup> Not surprisingly, Nepalese children, including those on the move, have been found to be at high risk of sex trafficking in India, some 20% of the hundreds of thousands being sexually exploited in the country every year were from Nepal.<sup>69</sup>

## HIV/AIDS

Children orphaned by HIV/AIDS have a greater chance of being exposed to exploitation, abuse and violence. Conversely, conditions in which children have inadequate protection against these violations also make them more vulnerable to HIV infection.

According to UNAIDS, South and Southeast Asia have witnessed a 50% reduction of HIV prevalence among women and men, the largest drop worldwide.<sup>70</sup> One of the countries to decrease HIV incidence most sharply was Nepal, which had reduced prevalence by 91% by 2011, in contrast to countries such as India where as many as 220,000 children are living with AIDS and 60,000 children are born every year to mothers who are HIV positive.<sup>71</sup> Various factors lead to vulnerability to contracting and spreading HIV, including lack of awareness and information, drug injections, low social status, trafficking into commercial sex and the persistence of a large sex work industry in the region.

The increased vulnerability of children and women subjected to sexual exploitation to contracting HIV/AIDS has been highlighted by evidence and analysis. In Mumbai, India, 60% of the women in prostitution are believed to be HIV positive.<sup>72</sup> In Nepal, research recently conducted by ECPAT has contributed to gauge the magnitude of the problem of non-vertical transmission of HIV infection in children at risk of, or already involved in, CSE. Based on a sample of 320 children and youth aged 15-25 years, the study revealed high prevalence rates; 3.7% of sexually active under-18 children and 9.4% of girls tested positive for HIV. Of concern was that only four of the 11 who tested positive for HIV infection had been previously tested. The others had continued to remain outside the system, contributing to a hidden epidemic that tends to remain unknown and

un-tackled by the government and the healthcare system.<sup>73</sup> UN and World Bank data indicates that HIV/AIDS, mainly due to sex work, is probably the leading cause of death in Nepal.<sup>74</sup>

In some South Asian countries, such as India, some men still believe that having sex with a virgin woman cures sexually transmitted diseases (STDs). This false belief, coupled with other dangerous myths, such as that younger girls are safer for having had fewer sexual partners, results in increased demand for sex with children, contributing to lowering the age of the victims and perpetuating CSEC in the region.<sup>75</sup> In India, as HIV/AIDS prevalence reaches alarming proportions, girls as young as seven and eight are being trafficked and forced into prostitution.<sup>76</sup>

## Other Factors

There are additional powerful elements within the South Asian social fabric that significantly impair the ability to realise the right of children to protection. They include complacency, which prevents individuals from questioning and reporting practices that violate the dignity and rights of children, such as psychological abuse and physical punishment. Other factors relate to collusion and complicity, which prevent the naming of individuals involved in the abuse and exploitation of children in the community and taking action to stop them. Finally, corruption and criminality contribute to perpetuating the business of supplying young people as sex objects. Such practices co-exist and act as underlying causes that hinder the effective fulfilment of children's fundamental rights. They must be addressed aggressively with no further delay.



## **SECTION 2. CSEC MANIFESTATIONS AND EMERGING TRENDS IN SOUTH ASIA**

Despite increased awareness and recognition of the problem in the region, as well as enhanced efforts by concerned duty-bearers to develop response mechanisms, CSEC continues to be one of the most widespread and pervasive violations of children's rights in South Asia, affecting millions of children. While no child is truly safe from the risk of sexual abuse and exploitation, some groups of children are more vulnerable than others. These include children from ethnic minorities and marginalised populations, such as those belonging to lower castes and indigenous populations, children living and working on the streets, children engaged in the worst forms of child labour, such as domestic work or begging, children growing up in dysfunctional families, children from areas affected by natural disasters and conflicts, children living in slums, children of sex workers or residing in red light areas.

The exact scope of CSEC in the region has not been properly documented. South Asian countries, like others globally, lack mechanisms for harmonised, systematic data collection, analysis and dissemination. When information is available, data is seldom disaggregated by age, gender, geographical origin, form of sexual exploitation or social background of survivors. Official statistics provided by government agencies do not reflect the magnitude of the problem. The clandestine nature of sex crimes combined with chronic under-reporting leave the problem largely unexplored. As noted by the National Rapporteur on Trafficking in Women and Children in Nepal, survivors are frequently reluctant to report the crime to the police "because of lack of legal awareness; undue influence by the perpetrators; trauma and psychological suffering; fear of humiliation, stigma, and discrimination; police bias, incompetence to women's and children's issues; lengthy and cumbersome court proceedings; high cost of access to justice; distrust toward justice institutions; and lack of financial support and very low likelihood of receiving compensation."<sup>77</sup>

Although quantitative analysis is grossly lacking, existing evidence suggests that:

- CSEC appears to be on the rise, and linkages between its various manifestations, including child marriage, have become more evident.
- Increased Internet usage across the region is heightening children's exposure to a number of online threats, including production of abusive images, *sexting* and *grooming*.
- Sexual exploitation of children in tourism is perpetrated by both local and foreign offenders, and South Asia, in addition to being mainly a *destination* for travelling sex offenders, is also emerging as a *source*.
- Sexual exploitation of boys is pervasive, but remains neglected.
- Despite decreases in HIV/AIDS incidence in the region, there is a strong correlation between sexual abuse and exploitation of children and the spread of the epidemic.

Overall, across social classes and ethnic backgrounds, regardless of specific vulnerabilities, there is a practice that, as a matter of culture and tradition, potentially exposes the bulk of the South Asian child population to the risk of sexual abuse and exploitation – *child marriage*.

The mass of children who drop out of school and are married underage are torn away from the protection of their family and community and placed at serious risk. The twin events of leaving both school and family as a result of child marriage (which marks the life of half of the child population of the region) opens the door to the various kinds of abuse and exploitation that are addressed in this document. Child marriage and school dropout act as a gateway into CSEC. Understanding the point of departure into CSEC is essential to analysing the problem and devising appropriate solutions.

## Gateway to Sexual Abuse and Exploitation: Early Marriage and School Dropout

### Child Marriage

In several South Asian communities, a person who attains sexual maturity is regarded as an adult. Especially when schooling ceases to be an option, children reaching puberty may be expected to contribute to family income, or even start a family of their own. Especially in traditional and poor households, social pressure to marry children off before they reach legal age is particularly applicable to girls. Parents become anxious about the increasing vulnerability of an unmarried daughter living at home, left unattended when adult family members are out to work. What children often call euphemistically “eve teasing” hides several forms of sexual harassment, abuse and violence that girls endure growing up in one of the million villages or poor urban fringes of South Asia.

To protect their daughter’s honour and fulfil their social responsibility toward her wellbeing and her future, parents often identify a suitable match and take financial responsibility for arranging a marriage as early as possible.<sup>78</sup> Unless societal threats are removed and other forms of protection are ensured to girls as they emerge from childhood, the practice of early marriage in South Asia is bound to continue.

*South Asia tops the world:* Global figures indicate that one-in-three girls in low and middle-income countries (excluding China) are expected to marry before the age of 18, one-in-nine before reaching age 15. Although child marriage continues to be a global problem, it is most endemic in South Asia, where nearly half of all girls (46%) marry or enter into an informal union before turning 18. South Asia, followed by West and Central Africa (41%), displays very high rates both for regional averages and figures relating to individual countries, which are sharply above the global average (34%). Bangladesh has the highest national incidence of

child marriage, reaching a staggering 66%. Child marriage prevalence in the region is high not only in relative, but also in absolute, terms (affecting nearly 25 million children).<sup>79</sup>

While emerging regional trends indicate that marriage of children under 14 years of age is decreasing, no similar encouraging shift has been recorded for the 14-17 age group.<sup>80</sup> Data reveals a higher incidence of child marriage in rural (as compared to urban) areas, although the limited evidence available for low-income urban settlements suggests that prevalence is also significant among the urban poor.<sup>81</sup>

***If no action is taken to stop this unacceptable form of abuse, current population dynamics indicate that the number of South Asian child brides is likely to rise from the 2010 figure of 24.4 million (4.9 million per year) to 27.9 million (5.6 million per year) by 2030. Over a 20-year period (2010-2030), a total of 130 million girl children are likely to marry or enter into union before attaining majority.***<sup>82</sup>

*Girls pay the highest price:* Although boys can be victims of child marriage and suffer the consequences of premature unions, girls are more vulnerable. They are disproportionately more at risk of being married young than boys; 30% of girl children aged 15-19 are presently married or in union in the region, compared to 5% of boys of the same age.<sup>83</sup> The impact of marriage on girls is also more severe. Limited decision-making power make it more difficult for girls to negotiate with their parents, whereas boys are more likely to be consulted when decisions are made affecting their lives.

*Born to be a burden:* Married women leave their parent’s home and move in with their marital family, shifting from parental authority to the authority of her husband and in-laws. Young wives generally devote themselves to meeting the needs of the new household submissively and accept the control of their mother-in-law. With her fate sealed in her

husband's family, the girl is rarely perceived as an asset in her natal home. In the absence of social security or pension systems, parents may be more prone to invest in the good health and education of sons, on whom they can rely in their old age, rather than spending on daughters, who are instead prepared for a vocation as homemakers and caregivers in a stranger's household. Except for a few matriarchal communities, the male-dominant, patrilineal society prevailing in the region normally favours sons – who ensure the continuation of the bloodline – with property rights, bequeathing assets from father to son as a way to preserve family wealth.<sup>84</sup> Rather than a resource, girl children are perceived as a burden to their family, which is also expected to pay a dowry to give her away in marriage.

*Declining sex ratio, fewer brides:* Child marriage is a crucial factor in a downward spiral of gender discrimination that affects human, social and economic development in most of the region. Some estimates have been made to assess its impact in terms of slowing down progress toward the achievement of the Millennium Development Goals.<sup>85</sup> In India, although the overall sex ratio is improving (from 927 to 940), the child sex ratio has dropped from 945 to 914.<sup>86</sup> India's dramatically declining child sex ratio, resulting from sex-selective abortion and other destructive practices against the girl child, risks seriously affecting the availability of brides. The practice of *Atta Satta* present in Rajasthan, for example, implies the exchange of a daughter for a daughter-in-law. Parents seeking a bride for a son are willing to offer a daughter in return, even if she is too young to marry.<sup>87</sup>

*Girls married to older men:* When a girl is married to a much older man, she is exposed to a strong power imbalance that dominates the relationship. She is also prone, from a young age, to widowhood.<sup>88</sup> Child

widows are not spared the fate reserved to older widows and are pushed into a life at the margins, in conditions of destitution and sexual exploitation for religious or commercial purposes.

Also, in such marriages girls are more prone to contracting life-threatening diseases, as older men have a potentially higher chance of being HIV-positive or of suffering from other sexually transmitted infections because of prior or extra-marital sexual experience.

*Domestic violence:* Spousal age difference is also regarded as a risk factor associated with violence and sexual abuse. Married girls with low education levels and inadequate capacity to articulate their rights are more prone to suffer domestic violence, including marital rape, a form of oppression that is not recognised by the law.<sup>89</sup> Evidence shows that young brides in India are more likely to regard a beating from their husbands as justified, and are more frequently beaten than women who marry after reaching age 21.<sup>90</sup>

*Abandonment and destitution:* When young brides are abandoned, it is not uncommon for the parents-in-law to cease taking responsibility for them. Frequently, even the girls' parents believe their duties toward a daughter end once she is settled in her husband's home. Abandonment often plunges young uneducated and unemployed wives into extreme poverty. Deserted brides become homeless and may have no alternative but to resort to prostitution to support themselves and their children. Two-thirds of the married girls and women involved in the sex trade in Nepal are mothers and many of them have cited providing for children in the absence of a supporting husband as the main reason for entering the entertainment industry.<sup>91</sup>

### Rooted in Religious Beliefs

The rich mythological, folk and musical heritage of South Asia glorifies unions among young characters and is populated with maidens being abducted and married by male heroes. Religious practice provides a large variety of guidelines for marriage, especially for women, which are reflected in customary law. Within individual religions, there are communities that practice child marriage more than others. Hindu scriptures condemn parents who fail in their duty to marry both boy and girl child at a young age. In the case of girls, the prescribed norm is before reaching puberty. As a result, even infants have been given in marriage throughout history. Although there are different interpretations of *kanyādān* (literally, ‘the gift of a virgin’) across South Asia, this highly valued Hindu wedding ritual earns many pious credits for the parents.<sup>92</sup> Among Muslims, some communities marry daughters as they attain puberty, although the bride’s consent is advised. Ancient folktales are re-interpreted today by a proliferating film industry, whose fortune is the result, to a large extent, of happy ending romantic dramas.

## Child Marriage and Trafficking

Child marriage also opens a primary door to child trafficking. Very poor or dysfunctional families easily fall prey to traffickers who lure them with promises of dowry-free marriage arrangements. A young, uneducated bride with a small or no dowry commands a similarly uneducated and unemployed or underemployed bridegroom. A poor family, however, may not be able to afford more without risking indebtedness and other deprivations necessary to producing a dowry. When poor parents with one or more uneducated daughters are approached with promises of marriage with no dowry, they may be tempted to hand over the child – even to a stranger from a faraway town.

*On the pretext of marriage or job opportunities, girl children are lured away in large numbers from their homes every year and end up in highly exploitative and sexually abusive jobs, such as domestic labour, or in commercial sexually exploitative occupations in the flourishing sex trade that, in South Asia, can count on an endless supply of uneducated young brides.*

According to SANLAAP India, child marriage is one of the more common methods to procure young girls for prostitution in South Asia.<sup>93</sup> After the wedding, child brides are often exploited, abused, kept in isolation and even resold to other buyers to suffer further sexual abuse and exploitation.<sup>94</sup> In India, the growing imbalance in the sex ratio in some states, due to female feticide, is resulting in numerous incidents of trafficking for marriage.<sup>95</sup> In Pakistan, the trafficking of girls to down-country destinations, in the guise of marriage, is socially justified under a centuries old tradition of “selling brides for a price”.<sup>96</sup>

A research study on trafficking survivors in India indicated that over 71% of the 561 people interviewed had married before they reached 18 years of age.<sup>97</sup> In Bangladesh, a study on the trafficking of women and children in the northern border areas found that 25% of survivors surveyed had been abandoned by their husbands.<sup>98</sup>

Although cases have been reported of neighbours or relatives having trafficked children, most traffickers are individuals unknown to the family who remove the child with promises of a better life. With the spreading of mobile phones, even in remote areas, parents are left under the illusion of keeping in touch with their children even when they are transferred to distant locations. In reality, after the child leaves its family, parents are normally contacted by persons who control the victim and give false information on her status. Poverty and distance act as a deterrent to in-person visits, barring opportunities for follow-up after the child leaves. Evidence from grassroots

work in Nepal indicates that child trafficking relating to marriage is increasing, and there have been instances of girls being trafficked for marriage as young as six.<sup>99</sup> These findings are complemented by the results of similar research, in which respondents cited girls' trafficking as a common consequence of child marriage.<sup>100</sup>

## Poverty and Disparity

*Poverty, the deepest root cause:* Child marriage is a function of poverty. Children in poor families and from marginalised social groups, castes, communities and geographical areas are more likely to be victimised.<sup>101</sup> Low household income, inadequate assets, political instability<sup>102</sup>, conflicts, natural disasters, emergencies, migration and dislocation contribute to weakening family self-reliance and capacity to provide for its children.

### ***Poverty is the deepest root in the causal tree of child marriage.***

Many sub-roots branch out of poverty and lead to child violence and abuse. Child marriage is one of them. Children who enter marriage from a poor background are likely to remain poor or become even poorer, a result of the multiple vulnerabilities to which they are exposed.<sup>103</sup>

*Economic disparities:* South Asia's recent sustained economic growth has failed to benefit all equally and bridge the gulf between the rich and the poor.<sup>104</sup> The region displaying the highest prevalence of child marriage worldwide is also the one with the greatest disparities. More than 50% of girl children belonging to the most disadvantaged groups are married.<sup>105</sup> The greatest disparity is tied to wealth: girl children belonging to the poorest wealth quintile are four times more likely to marry (72%) than those in the richest quintile (18%).<sup>106</sup> In Bangladesh, the median age at marriage of females aged 20-to-24 is 18.3 years among those in the highest wealth

quintile, as compared to only 14.6 in the lowest wealth quintile.<sup>107</sup>

*A survival strategy:* Early marriage may be regarded as a survival strategy, especially in poor families with several girls. A one-time investment in wedding costs relieves the family from the burden of supporting a child for years. Families of boys, instead, in addition to a dowry, acquire life-long domestic help. In conflict-ridden countries, such as Nepal and Sri Lanka, marrying early may ensure survival for the girl, who, through marriage, seeks protection from kidnapping and sexual violence.<sup>108</sup>

*An endemic practice affecting the development of the region:* Child marriage fuels a number of events with far-reaching consequences that continue into adult life, affect offspring and perpetuate a vicious cycle of ill-health, malnutrition, illiteracy, violence, abuse, exploration, gender gaps and, ultimately, poverty. It also contributes significantly to keeping women's status low, leading to poor reproductive and sexual health, economic dependence and gender inequalities in the family and the community.

***In the life of each child forced into early marriage, the experience is one of unmet needs, denied rights and endured violence. As the practice is endemic to the region, its human, social and economic costs impact on the development of entire nations.***

*Correlation of education and age of marriage:* In many South Asian families, education is primarily linked to the prospect of getting a job. If the expectations for a child remain in the domestic sphere, little merit is found in continuing their education. But when a girl leaves school, she is left with very few alternatives to marriage. There is sufficient evidence to show that the age of marriage and education are closely correlated in the region. While it is not fully established that girl children enrolled in school or engaged in paid work delay their marriage age, there is adequate evidence to show that children who drop out of school are more

likely to marry early.<sup>109</sup> More educated women marry later, while students who are able to continue their education after marriage are rare in comparison with those who become involved full-time in housework, childbearing and childcare.

More than 90% of young brides in Nepal, when asked to suggest measures to prevent child marriage, responded provision of education and awareness raising.<sup>110</sup> As schooling becomes more accessible in all countries, families increasingly try to ensure that their children complete primary education. Keeping children, and especially girls, in school through secondary school would allow them to complete 18 years while still studying.

*Child marriage – both a cause and a manifestation of CSEC:* Child marriage must be recognised as both a factor enhancing vulnerability to CSEC and a form of CSEC itself. When a child marriage is settled between two families, the economic transaction that takes place establishes full control over the life of the child, for a price. Commercial sexual exploitation of children, defined as using a child for sexual purposes in exchange for goods or payment in cash or in-kind, takes place also when a child is forced into child marriage, in exchange for a dowry and the obligation to enter a sexual relationship with another individual.

Along with being a form of CSEC in itself, child marriage also creates the conditions for exposure to other forms of CSEC. By displacing children from their families of origin, child marriage makes them vulnerable to various forms of abuse and exploitation, including of commercial sexual nature.<sup>111</sup>

*The tear in the safety net: school dropout and child marriage:* Dropping out of school and marrying young are the key interlinked events that most commonly put the life of an adolescent at risk in the region. Especially in the case of a girl, she no longer has a place in her parental home from

the time she leaves school and, as a result, she is given in marriage. After the girl leaves her home and her community, contact with her protective environment may become sporadic or even rupture permanently, and isolation can expose her to several risks. The younger and more uneducated she is, the more unequipped she will be to protect herself.

*Separation from the family:* A child who is removed from her caregivers becomes highly vulnerable to harm, violence and abuse. Premature separation from the protective family environment leaves children, who cannot yet provide and fend fully for themselves, at the mercy of other adults, who can take advantage of and exploit their vulnerability. Although the family of origin may not automatically be the safest environment for a child – and, in fact, may be the very place where child abuse takes place in the first place – when there is no family dysfunction, all efforts should be made to keep the child in the care of her immediate kin, supporting parents to provide for her as long as she is ready to join another household as an adult member.

*Child labour:* In South Asian families, as children leave school they are normally expected to exit definitively childhood and start acting as adults. Out-of-school adolescents are supposed to begin embracing adult responsibilities early on, playing not only adult reproductive roles, through marriage, but also productive roles through labour. While boys often seek livelihoods in the sprawling informal economic sector characterising the region, girls are called to manage the multiple demands posed by household work, and may also join the labour force to contribute to the family income. The risk of sexual abuse that exists in the family and the community is also prevalent in the workplace. Child labour exposes young people to highly vulnerable environments and subjects them to the incontestable power of their employers. Child labour leads to various forms of exploitation – not only of an economic nature, but also physical, emotional and sexual. Along with child marriage, child labour represents a major

pathway to child trafficking in the region. Promises of a remunerative occupation or a dowry-free marriage are the typical incentives enticing families to relinquish their children.<sup>112</sup>

*Guarding the gateway of early marriage and school dropout:* Another gateway to sexual exploitation and abuse opening for young people in South Asia is school dropout. As is the case for child marriage, once children separate from their families and schools they are pushed through the gateway and away from the safety of their protective environments.

One out of the two children who are pushed into early marriage crosses that gateway today in the region. Direct interventions to recover and rehabilitate CSEC victims are unlikely to be effective and sustainable unless the interwoven causes of child marriage and school dropout are addressed and the gateway is manned to prevent half of South Asia's children from falling out of their safety nets.

Understanding the implications of separating children from their homes and schools would help build safety mechanisms that strengthen the child's primary protective environments.

## Prostitution of Children

The covert and illegal nature of child prostitution hides it from the public eye and makes it problematic for analysts to ascertain the spread and nature of this intolerable form of abuse and exploitation. Provisional estimates would indicate that the extent of child prostitution is significant and its manifestations are in evolution. In addition to conventional sex work practiced on the streets and in traditional brothels active in large red-light district areas of South Asia, new forms of child prostitution are emerging. As brothels cease to be the hub of prostitution and sex workers flee

the streets, girls are being moved to hotel rooms, guesthouses, rented flats in suburban areas and along major transportation routes.

Mobile phones make it possible for clients to seek out girls tucked away in secluded locations, while gauging the numbers of children in trafficking and prostitution becomes harder.<sup>113</sup> Far from being controlled by law enforcement pressure on sexual crimes, which has increased in some countries due to stricter legislation, CSEC changes its face and returns under new guises, flourishing by progressively concealing children farther away from public view. The social seclusion of women and girls characterising some South Asian cultures is reflected in female prostitution, a more concealed activity than the prostitution of boys who, contrary to general perceptions, are also involved in sex work.

In parallel to traditional prostitution, the forms of sexual exploitation that have been emerging in the region deserve closer scrutiny. Time-tested informal prostitution is fast evolving into a full-fledged sex and entertainment industry capable of multiplying professional outlets and profits. Unlike the traditional unorganised sex trade, both the new entertainment and sex industries tend to be well-structured economic ventures generating substantial profits not only for the establishment owners, but also supporting businesses, such as restaurants, liquor shops, hotels and taxi services. While conventional prostitution is rooted in traditional social practices and behaviours, the new forms of sex work appear to reflect shifting social norms that characterise the larger cultural change that South Asian society is undergoing.<sup>114</sup> Prostitutes, but also masseuses, waitresses, dancers and entertainers – who are not necessarily professional sex workers – are the new profiles of the child sexual exploitation business.

The multifaceted entertainment industry fast expanding in South Asia caters to the demand of the swelling upwardly mobile classes generated by

ongoing economic transformations. The dance cafés and bars, massage parlours and cabin restaurants that are proliferating to serve locals and tourists now offer food, music, alcohol and the opportunity of some kind of sexual diversion.

***The new sex business thrives on a reservoir of needy young girls and women, who are typically uneducated, unsupported or evicted by their husbands and in-laws, poor or further impoverished by the discontinuation of traditional industries as a result of global economic forces, or political instability and conflict, as in the case of Nepal.***

To please customers, girls are subjected to sexual harassment and sexual and verbal abuse. The understanding is that they must allow clients to watch and touch them and, if requested, talk with them, with the ultimate objective of inducing the client to consume overpriced food and drinks. In 2009, in Nepal's Kathmandu Valley alone, 11,000 to 13,000 women and girls were estimated to be working in such establishments.<sup>115</sup> In many towns of Pakistan, it is common to find boys (*Malishias*) offering massage services in parks and other public places. In additions to massage, boys also engage in paid sex. Runaway and street children may end up in this profession, lured by adults or choosing it as a profitable occupation.<sup>116</sup>

These trends suggest that the challenge of analysing and addressing children's sexual abuse and exploitation is likely to intensify in the future. As compared to conventional prostitution, new forms of sexual exploitation are more elusive. By escaping criminal definition, they are potentially more enticing to children. Meanwhile victims remain outside the purview of preventive and rehabilitative services, which normally target traditional sex workers. Working as points of access to prostitution, these ubiquitous locales greatly increase the pathways for children (and clients) to enter the sex trade.

The conditions that girls face in brothels, massage parlours and cabin restaurants are in many ways

analogous to slavery and torture. In addition to being tortured and raped by brothel managers, if they disobey they are not paid. They work long hours in squalid conditions, exposed to violence, which may include gang rape, and are unprotected from disease, infection and unwanted pregnancies. Bonded girls are also most at risk of HIV/AIDS infection, as brothel owners often agree to let men pay more for not using a condom. In Nepal, there is evidence of very young sex slaves being exploited 12 hours a day, seven days a week, and being "owned" through debt bondage or other means. Even children who are not bonded might be forced to recruit one or more replacements in case they want to leave the business.<sup>117</sup>

Available estimates indicate that this form of CSEC is particularly widespread throughout South Asia, fuelled in part by human trafficking. UNICEF reports that approximately 1.2 million children are exploited in prostitution throughout India. The U.S. Department of State's *Country Report on Human Rights Practices* estimated that in 2008, some 10,000 children were victims of commercial sexual exploitation in brothels across Bangladesh; other estimates from previous years placed the figure as high as 29,000. According to a 2006 study by the Ministry of Women, Children and Social Welfare of Nepal, approximately 40,000 girls are working in 1,200 cabin and dance restaurants and massage parlours in the Kathmandu Valley alone. A recent study points out that, in a country like Nepal where there are no official brothels, sexual exploitation of children is on the rise, the number of establishments abusing children is increasing, the number of customers is expanding and the age of children is declining.<sup>118</sup>

In terms of demand for sex with girls and vulnerable groups, both differences and similarities among countries in South Asia can be noted. In Sri Lanka, it appears that girls are prostituted mainly to the local population, while boys cater mostly to foreign exploiters.<sup>119</sup> In Nepal the majority of customers prefer girls between 15 and 18 years and are mainly middle-aged, married men employed in diverse

professions (small business, government, law enforcement). In some South Asian countries, such as India and Pakistan, there is a high demand for virginity, which places young girls on the verge of puberty at higher risk of exploitation. In Bangladesh, the most vulnerable group are daughters of sex workers, known as ‘second-generation’, i.e., born to a prostitute and an often-unknown client. Children who grow up in this type of environment face high levels of discrimination and, while boys often end up working as “pimps”, girls are pressured into engaging in prostitution.

Government policy and legal frameworks are being developed to curb child prostitution in the region. The Government of India has enacted *The Protection of Children from Sexual Offences Act, 2012* to defend children from offences of sexual assault, harassment, pornography and provide for the establishment of special courts. Section 370 of the Indian Penal Code was amended to include all forms of offences that constitute trafficking and Section 370A to prescribe punishment for trafficking for sexual exploitation. Not all countries in the region, however, have developed the legal and policy mechanisms necessary to counter child prostitution, or even a clear and comprehensive definition of sexual exploitation of children for commercial purposes. Moreover, legal provisions and law enforcement, where existent, are seldom accompanied by programmatic actions to rescue children exploited in prostitution and prevent new entries.

*CSEC of boys:* The involvement of boys in CSEC is even more underestimated and unaddressed than that of underage female prostitution. Evidence and experience on child trafficking indicate that boys are engaged in different forms of highly exploitative occupations, such as begging (which resembles prostitution in being controlled by well-organised rackets), agriculture, sweatshops, and for organ removal or enrolment in the armed forces.<sup>120</sup> Recent studies, however, show that boys are also susceptible to sexual abuse and exploitation to a larger degree than previously recognised. Information gathered

from work in Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka indicate that this is an unreported (or highly underreported) phenomenon because of its perceived linkage with homosexuality and the associated stigma attached.<sup>121</sup> The average age of sexual exploitation of boys is around 12.5 years or younger.<sup>122</sup> Perpetrators are not only homosexual, but also bisexual and heterosexual individuals.

Evidence also indicates that gender segregation in certain environments limits public scrutiny and accountability for interactions with children that open avenues for potential offenders. Unlike female prostitution, the sexual exploitation of boys is generally more visible, taking place in streets, markets, bus terminals, public toilets, restaurants and shrines. Boys’ prostitution may also be associated with labour situations. In Pakistan, for example, research conducted by Save the Children found that boys who work as helpers, or *kailashis*, for truck drivers are forced to provide sexual services as part of the job. Another location where boys have been reported to be sexually abused and exploited is in Islamic schools or *madrassas*. Also in Pakistan, a recent study revealed that schools are not safe and that teachers threaten or blackmail boys into sexual abuse and fine or discipline them if they refuse.<sup>123</sup> According to recent research motivations behind sexual abuse and exploitation in Pakistani Islamic schools include a prevailing misogyny among teachers, gender segregation that inhibits contact with women and lack of segregation of students based on their legal age. Children growing up in this context learn to obey and submit to elders and seniors, and tend to have limited awareness of their rights.<sup>124</sup>

In several South Asian countries, it appears that boys exposed to sexual exploitation are mainly those living and/or working on the streets, migrants and drug-users. Another high-risk group are Zenana, Chawa and Hijra transgendered children. Often bullied by their peers or exploited by adults, many boys with alternate sexual identities in Pakistan (as well as Afghanistan and India) leave home very

young to end up in communities where, besides learning the arts of public performance (dancing), they may undergo body tampering and castration, and are also often pushed into prostitution by order of the guru, or head of the community. The guru provides for their basic needs and takes all the income that they earn through prostitution.<sup>125</sup>

Although sexual exploitation of boys is widespread, legal frameworks in the region tend to be insufficiently encompassing and fail to protect boys from violations of their rights. The relative invisibility of sexual crimes against male children is also reflected in the absence of specialised risk assessments, prevention and response mechanisms for boys vulnerable to, or victims of, sexual exploitation.

There is a need to broaden the understanding of the specific protection needs of boys. For example, as compared to girls, boys are more prone to running away from home and living on the streets, or in labour settings far away from their families. The general perception that boys are less vulnerable than girls, more independent and more able to take care of themselves may lead to underestimation of the actual harm that they suffer when they are exposed to abuse and exploitation. It may also marginalise them in policy and when designing child protection-oriented responses.<sup>126</sup>

## Trafficking of Children for Sexual Exploitation

Child sex trafficking is one of the most prevalent manifestations of CSEC in South Asia. The challenges of identifying children who are trafficked through open borders to elude check posts, under-reporting of the crime, lack of reliable and standardised data-collection systems and the illegal nature of these operations make it problematic to quantify the number of children affected and understand how trends evolve.

*Estimates released by NGOs and other agencies, though not always reliable, suggest that internal and cross-border sex trafficking is a large-scale phenomenon involving hundreds of thousands of children and youth across the region.*

Estimates relating to Nepal range between 7,000 and 12,000 Nepalese girls being trafficked into India for sexual exploitation every year.<sup>127</sup> A UNICEF report indicates that every month approximately 400 women and children in Bangladesh are victims of trafficking, while other studies indicate that over 1 million women and children have been trafficked out of the country during the last 30 years. The wide variance in available estimates underlines the urgent need to sharpen existing assessment tools.

During the period 2007-2010, children accounted for about 40% of all trafficking victims in South and East Asia and the Pacific, a higher average than in other regions. In South Asia, Nepal reported that the proportion of child victims accounted for about 50% of the total. Similarly, last year, close to half of India's missing children were trafficked for purposes of prostitution. Between 2013 and 2014, at least 67,000 children in India went missing, 45% of whom were trafficked into prostitution. The business, flourishing especially in the Eastern states, is managed by well-connected syndicates that operate very efficiently, without leaving a trail.<sup>128</sup>

South Asia is primarily an area of origin for child trafficking, which mainly takes place across countries of the region; trafficking flows to destinations outside the region are less substantial. Internal trafficking in Nepal caters mainly to the fast-emerging entertainment and sex industries, whereas trafficking to India serves both the sex trades and other highly exploitative sectors (such as the garment and metal production industries and domestic work).<sup>129</sup> The main routes for cross-border child trafficking are from Nepal and Bangladesh to India and Pakistan; from here some victims are further trafficked to the Middle East. Evidence also shows that some children are trafficked from Nepal

to Korea, the People's Republic of China, Hong Kong, Thailand<sup>130</sup>, Malaysia, South Korea and to a very limited extent to Europe (mainly Sweden).<sup>131</sup> There are also reports of child sex trafficking from Bangladesh to the Maldives,<sup>132</sup> from Iran, Afghanistan and Azerbaijan to Pakistan<sup>133</sup> and from Afghanistan to the Middle East and Uzbekistan.<sup>134</sup> Since 2007, the Bhutanese government has recorded cases of young boys and girls who were trafficked from Bhutan to India and occasionally to Nepal.<sup>135</sup>

According to the US Department of State, 90% of trafficking in India is internal.<sup>136</sup> Domestic trafficking has also been reported to be more prevalent than international trafficking in Afghanistan and Nepal. In Pakistan the number of children being trafficked within the country was found to be increasing. Children are mainly trafficked from rural and other poor areas to medium- and large-sized towns.

An especially concerning aspect is the increasingly young age of victims subjected to trafficking. In Nepal, some of the children trafficked to meet growing demand from the local sex industry are as young as eight or nine years old.<sup>137</sup> In India, a 2005 study estimated that half of the children trafficked within the country were between the ages 11 and 14.<sup>138</sup> In Pakistan, child sex trafficking to the Gulf States involves girls as young as 10<sup>139</sup> (see sub-section on "Prostitution of Children").

Children are trafficked for many purposes, of which prostitution is only one. Demand for children also extends to pornography, child labour, slavery and servitude, removal of organs and adoption. While girls are generally trafficked for commercial sexual exploitation, boys are trafficked for other worst forms of labour exploitation.<sup>140</sup>

Child trafficking for domestic labour is ubiquitous across all South Asian countries and, in some cases, reported to be on the rise. Working as a domestic can constitute an especially intensive form of violence against children, as it frequently combines exploitative work, physical, verbal and emotional

abuse and sexual harassment. It is especially problematic because it is often the option chosen by poor families, who see in the employing family an opportunity for improving their child's living conditions. They hope the child will receive food, accommodation, protection and perhaps even education in exchange for his or her work. In reality, domestic labourers are often severely abused and exploited. Secluded within the walls of a home, they escape the notice of the outer world, are grossly unaccounted for, forgotten in programmes and policies, and hidden even to the eyes of their own families from which they have been separated.

Although trafficking should be regarded as a major gateway to CSEC, it is not the only way that children end up in exploitative situations. Many do so also through forced marriage, birth into bonded labour, indebtedness or lack of alternatives.<sup>141</sup>

*Recruitment:* Children and young people are recruited into trafficking by different tactics. The most common rewards falsely promised to lure victims are offers of dowry-free marriages and well-paid jobs. Variations with regard to a marriage prospect include giving away a girl in exchange for money under the guise of marriage, or pretending to fall in love with a girl and gradually introducing her to sexual activities. Also, a child who is originally married through a conventional wedding may be pushed later on into sexual exploitation through coercion or neglect by her husband and his family.

In some cases parents or relatives traffic and sell women and girls directly to brothel owners or other recruiters, or kidnap children through deception or the use of force. Enticement and fraud are more commonly used than overt abduction.<sup>142</sup> As in other regions of the world, many female traffickers in South Asia are themselves victims (or former victims) of CSEC and are part of organised rackets involving individuals from different nationalities. It has been reported, for example, that trafficking along the border districts of West Bengal and Assam, in India, is controlled by criminal networks

made up mostly of Pakistanis and Indians, and partly of Bangladeshis, who have built up powerful bases in the northern and western regions of the country. *Children on the move*: Children and youth migrate in search of new opportunities.

When young people are on the move, however, they are exposed to increased vulnerability. Labour migration is often used as a cover to conceal trafficking to highly exploitative destinations, which often hold only poorly paid or unremunerated jobs. Child labour, trafficking and prostitution may become inescapable when children are indebted to the agents, middlemen or bar owners who facilitated their employment, transfer or illegal migration, sometimes with the help of passports issued on the basis of false documents. Indebtedness makes victims a property of perpetrators and turns them into slaves.<sup>143</sup> A balance needs to be found between encouraging movement of young people seeking to improve their living conditions and protecting children on the move from risks associated with migration.

*Weak responses*: Despite the high incidence of child sex trafficking in South Asia, efforts deployed by governments to address this manifestation of CSEC remain insufficient. Estimates from Nepal indicate that less than 200 trafficked women and children are rescued and repatriated on a yearly basis, of the thousands that are trafficked. Initiatives to tackle demand by exploiters – either clients of the sex and entertainment industries, children’s employers/owners, middle-men, facilitators, or ultimately traffickers – have been feeble, lack a comprehensive domestic and cross-border strategy.

According to the latest U.S. Department of State report on trafficking in persons, significant challenges exist in terms of prevention, enforcement, prosecution, protection and rehabilitation of child victims. In addition to limited capacity of law enforcement personnel to detect and counteract sexual crimes, effective counteraction is hindered by persistent loopholes in legal frameworks, as well as complicity and corruption on the part of public

officials. Preventive efforts for at-risk communities, victim identification, systematic access by children to adequate assistance services and opportunities for rehabilitation and reintegration are also flawed and in need of government attention.<sup>144</sup> While initial efforts have been made to harmonise child tracking and rescue systems within the region (for example, CHILDLINE), major gaps persist among the various mechanisms being deployed both inside and across countries. The experience of the web-based Track Child system being piloted in India should be carefully reviewed to ascertain how to integrate it within a single broader national and cross-border child trafficking tracking instrument.<sup>145</sup>

## Child Abuse Materials and Sexual Exploitation of Children Online

The expansion of information and communication technologies (ICTs) has grown at an extraordinarily rapid pace in South Asia. The combination of a steady rise in the number of Internet users, a continuous rise in data production and sharing and the constant and rapid evolution of technology are making the world, including South Asia, an increasingly connected place. There are presently three billion Internet users and seven billion mobile phone subscribers globally; South Asia accounts for more than half of the latter<sup>146</sup> and is the region with the largest average mobile growth rate (67% between 2000 and 2011).<sup>147</sup> Young people drive the burgeoning of the region’s ICT industry. In most countries, Internet penetration is being facilitated by increased use of new ICTs by children and young people. In India, for example, over 75% of Internet users in 2011 were students,<sup>148</sup> while 25% of children send over 50 messages a day.<sup>149</sup>

The Internet has significantly contributed to the profound cultural and social changes that South Asia is undergoing. As new values, aspirations and cultural models have been rapidly transferred from all over the world, opportunities for information, communication and knowledge sharing have grown

at an unprecedented speed. The Internet offers children a rich environment for socialisation and exchange of ideas. Online literacy has also opened cost-effective educational avenues. The Net offers a platform through which children's rights can be manifested.

***Children's access to the Internet should be further promoted, as it contributes to fulfilling their right to information, participation and freedom of expression. Rights to free expression and privacy, however, should be balanced against the right to be protected from abuse, exploitation and violence.***

Discrimination in Internet usage, from which economically or educationally disadvantaged social segments may be excluded, should be addressed to overcome the social digital divide that contributes to further marginalising deprived groups of children.

The deep transformation of cultural and social norms that have traditionally dominated South Asian societies, moulded in part by ICTs, has significantly influenced the ongoing process of evolving gender roles and norms, with potential implications for children's safety. New sexual norms, which favour increased gender equality, also exacerbate social tolerance for sexual abuse and violence. Mobile phones, in particular (more accessible than the Internet to virtually all socio-economic classes) have contributed to breaking down gender segregation prevailing in social relationships. Boys and girls can now communicate with each other even when their physical mobility and opportunities to mingle may be still partly limited – and, in the process, develop new attitudes toward dating or initiating marriage outside parental control. The pace at which technological means of communication have challenged century-long traditions – replacing them with global views and behavioural patterns – has been so rapid that the abrupt transition underway holds the risk of being traumatic and potentially harmful to children. In other regions of the world, where technological progress has been more gradual, ICTs have been able to progressively adhere

to evolving social transformations, thus giving users time to test out and adopt new communication avenues, while also becoming aware of the possible risks. In South Asia, the sharp technological shift has been widely responsible for a similarly blunt cultural change that has found many unprepared and exposed to the aggressive effects of both hastily adopted technological tools and inadequately internalised social norms.

On the Net, where the growing young cybernaut community finds boundless novel opportunities, it can also involuntarily connect with predators and come across offensive images. The degree of victimisation varies from that of the majority of young people – who may face the risk of coming across content material that is violent, abusive or sexually offensive – to that of children who suffer sexual abuse and exploitation online. It is important to enhance understanding of how children can be helped to expand their information, education and socialisation opportunities on the Net, while becoming informed and aware of its potential pitfalls.

There is a direct correlation between increased access to the Net and increased exposure to risks. Web-based child abuse materials have multiplied to an unparalleled extent. In 2009 police and law enforcement agencies estimated that there were close to 22 million public I.P. addresses offering pornographic images of children through peer-to-peer file sharing, of which 10 million were located in the United States alone. The proliferation of indecent material includes erotic/pornographic still images and videos, which may be self-generated (including *sexting* and *sextortion*), to live-streamed shows, made-to-order and pay-per-view child sexual abuse materials.

Pornographic drawings, 'mangas' and morphed images are also widely available. Although it may be argued that their production does not directly involve the sexual exploitation of children, their widespread use, even in cartoons and video games, nevertheless contributes to fuelling a demand for

child-oriented pornography and perpetuates a culture offensive to children, ultimately damaging the dignity of the child.

***A paedophile or sexual offender might argue that accessing child abuse sexual material online is acceptable because it does not imply physical contact with the child. ECPAT firmly rejects such views. Production, dissemination, sale or possession of online child abuse material must be equated to another form of child victimisation.<sup>150</sup>***

A grave spin-off of the improper use of ICTs is their unique capacity to circulate illicit images endlessly, so that child abuse acts can be reproduced indefinitely. Re-victimisation, therefore, takes place through 'layering' of crimes, as child sexual abuse material is produced, and then distributed and redistributed online or through mobile phones. Multiple victimisation poses a set of challenges also for rehabilitating CSEC victims that did not exist before the introduction of ICTs. Even when a survivor is successfully rescued, stigmatisation may now spread far beyond the immediate, physical community. A potentially global virtual community may continue to victimise the child by accessing, duplicating and circulating her or his images online forever. Rehabilitation in a context of un-interrupted victimisation presents a daunting task. Today's victims of online sexual exploitation should be given a new entitlement – the right to be forgotten.

ICTs have expanded tremendously the pool of potential victims, enhanced access to children by potential sex offenders and increased the opportunity for creating false identities.<sup>151</sup> The lurking quality of risks on the Web is magnified by the intergenerational digital divide that separates the young from older generations, as children often venture into cyberspace under no parental supervision. As more information about potential victims becomes available, so do numerous emerging forms of sexual cyber-harassment, spanning from cyberbullying and cyberstalking, to child *grooming* for sexual purposes, *sexting* and *sextortion*, along

with the indiscriminate dissemination of child pornographic materials that require constant attention and updated information.<sup>152</sup>

Internet access is growing exponentially, thanks in part to increased availability of affordable portable devices, such as smartphones and tablets, in South Asia. Intensified Wi-Fi connection through mobile devices affords young people multiple opportunities for connecting cheaply or free of cost. Internet usage in the country is driven primarily by young people, with over 75% of the Internet users being school- or college-going kids and young men. Broadband speed, which is progressively increasing the capacity to transfer large files, such as video, photo and audio materials, is bound to rise dramatically.

ICTs have substantially facilitated the production, distribution and storage of illicit images. Although no official data is available on the prevalence and extent of child pornography and no comprehensive research has been conducted on the involvement of children in the production of abusive materials, the dangers that young people face by engaging in improper online interactions and the impact that such exposure has on their health and wellbeing are becoming apparent. Children are prone to harm in the virtual realm when they view pornographic materials and violent images, or are involved in hate-driven, threatening and blackmailing exchanges, which may lead them to act in a way that is damaging to themselves and others.

To respond to the growing demand for child abuse images from both local and international offenders (such as from Gulf countries and the UK), the production of this type of illegal materials is becoming common in South Asia and, in some countries, is also reported to be on the rise. For example, Interpol has found a growing trend of child pornography material linked to India. Similarly, a 2007 study by the Indian government revealed that nearly 4.46% of the over 12,000 children surveyed reported being photographed in the nude, 52% of whom were boys.<sup>153</sup> In Bangladesh, recent studies indicate that 80% of children involved in

prostitution are also exploited for the production of pornography. Adult and child pornography, especially featuring girls, was found to be widely available in certain areas of Dakha; most victims belonged to working class families and were lured by the promise of ‘modelling’ offers.<sup>154</sup> In the Maldives, the police report that production of child pornography is increasing, and homemade video clips have been uploaded on the Internet, or widely disseminated within the community.<sup>155</sup>

New threats are appearing on the Net. Webcam child sex tourism is becoming a highly abusive online activity, in which adult predators seek out children in developing countries and pay them to perform sexual acts in front of the webcam. Similarly, live on-demand web streaming of real-time child sexual abuse allows viewing abuse via webcams, multiplying the number of users and minimising the risk of being caught. The victims are deprived children who perform webcam sex shows from computers provided by employers, also against their will.<sup>156</sup> Further, the “deep” or “hidden” Web (sites beyond the reach of standard search engines) facilitates access to illegal sites where sexually explicit materials can be circulated more safely. New avenues, such as cloud computing technology, now allow private storage and sharing of illicit materials. According to Britain's National Crime Agency, these new kind of offences are projected to rise sharply in the future. The Agency lists live, online streaming of child abuse as the fastest-growing organised crime threat facing Britain over the next one to three years, alongside heroin and new ‘legal highs’ and criminal exploitation of the legal trade in guns.<sup>157</sup>

It must be noted that child abuse images are no longer made available only through commercial websites. The spreading of non-commercial peer-to-peer networks is facilitating the circulation of child pornography at no cost to users. The trading of such materials makes identification of the offenders all the more difficult.

An additional motive for concern is that the age of children involved in online CSEC is decreasing.

Wider access to the Internet and user-friendliness of new applications make it progressively possible for very young children to surf the Web. Global trends indicate that the age of children who are exploited to produce illicit images is also declining.<sup>158</sup> Further enquiry is required to better understand the magnitude of the problem and how expanding availability of high-speed Internet in poor countries is fuelling new forms of exploitation of needy children.

*Internet cafés:* Unregulated Internet cafés, widespread throughout South Asia, are potentially harmful environments for children. Accessing the Web from a public place with no adult supervision exposes children to online sexual material and solicitation. In Sri Lanka, the number of Internet cafés in urban areas have not only increased the scope for unsafe browsing, but also the likelihood that children will watch and download pornographic material and participate in sex-related chat rooms.<sup>159</sup> In Pakistan, Internet providers estimate that more than 60% of Internet users visit pornographic sites regularly and many such users, including children, go to Internet cafés and clubs to access the Web just for this purpose.<sup>160</sup>

#### **Access, viewing and distribution of child pornography are increasingly affecting South Asia**

A cybercrime-related survey in Sri Lanka has revealed 600 to 3,000 searches for pornography, with the most searched age group to view being 12-16 years.<sup>161</sup>

Google Insights for Search reports that, in Pakistan, between 2004 and 2010, Web searches for terms like “sex with child”, “child sex videos” or “child porn” have increased up to 200%, especially in the cities of Rawalpindi, Lahore and Karachi.

Exposure to pornography may take place through means other than the Internet. In Pakistan, the clandestine growth throughout the country of mini-

cinema houses, popular among both child and adult viewers of pornographic movies, was found to be linked to child sexual abuse and exploitation. In Dhaka, Bangladesh, an exploratory study revealed that the majority of children had been exposed to pornographic images in the form of posters, picture cards and CDs. Many were influenced by boyfriends, school friends and relatives. The study noted that while nearly 77% of respondents reported being involved in pornography as viewers, a significant number of children had been exploited in the production and selling of pornographic videos. Widespread accessibility to modern technology, illiteracy and lack of parental awareness, absence of family cohesiveness, ease of earning money and failure to properly implement existing laws are key factors contributing to children's involvement in pornography.

### Mobile phones

In Bangladesh, mobile technologies provide a new channel for the distribution of pornography to middle and upper middle-class students. Many of them are reported to preserve pornographic MP4 and images in their cell phones and to share them with peers. Sometimes, they send child abuse material to their friends through MMS. Uncontrolled access to the Internet and satellite TV channels facilitates such behaviours among adolescent groups.

*Online grooming:* The extent to which unsuspecting children are approached by online predators, who seek to earn their trust prior to luring them into online or offline sexual exploitation (*online grooming*), is unknown. In some countries, however, cases of self-victimisation and child-to-child solicitation have begun to emerge. In Nepal, many of the students aged 12-18 years, who participated in a 2008 study to examine online risks, admitted to exposing themselves online. In India, social networking sites like Orkut have been used for sexual abuse. Pictures of girls with lewd allusions and the victims' phone numbers have been posted in some communities. In Bangladesh, a 2007 study reported an increasing

trend of girls being trapped by boyfriends who had recorded sex scenes through hidden cameras and later blackmailed them and their families, or uploaded the material on the Internet for sale as pornography. Online contacts with children is also associated with both child trafficking and sex tourism.

*Legal framework:* The independent and uncontrolled nature of the Internet requires that clear guidelines be drawn up to prohibit online dissemination of child abuse materials, while preventing such measures from becoming a pretext for Internet censorship. The fast speed at which ICTs have spread has made it challenging for governments to keep pace and develop effective legal shields needed to protect children. The importance of adopting laws that ban any form of sexual exploitation of children online (SECO) is, however, evident to all concerned, also because of the potential impact of such measures on other forms of CSEC, such as child sex tourism, which is often linked to Internet connections.

*Concerns and responses:* To avoid social stigma or further victimisation by police, child victims and their families seldom report incidents of online sexual exploitation, leaving offenders unpunished. It is a matter of concern that the increasing focus being placed on promoting ICTs in the region has not been accompanied by comprehensive legal frameworks to protect children from various forms of online sexual solicitation, harassment and exploitation.<sup>162</sup> Furthermore, public awareness about online child safety and the creation of reporting mechanisms to investigate and curb child pornography sites are measures that have yet to be adopted in the region.

Sound responses must take into consideration that risk does not automatically equal harm. While it is essential to take all possible steps to contain risk, action is necessary to protect children from harm. To contain the harmful practices being magnified by ICTs, ECPAT is committed to four key actions addressing sexual exploitation of children online:

- Advocating for further development and enforcement of effective legal frameworks to

- address the production and distribution of child abuse materials
- Promoting wider deployment of technical tools that can disrupt and eliminate the availability of child abuse materials
- Developing the capacity of law enforcement personnel
- Strengthening public information and awareness-raising about sexual exploitation of children online to bring about behavioural change.

ECPAT's strategic plan aims to implement action through research publication, advocacy, capacity building and partnership creation.<sup>163</sup>

### Child-Friendly Use of the Internet

The technological nature of the Internet requires that actors responsible for the protection of children progressively familiarise themselves with the basic workings of the threats emerging in the online environment, to be in a position to develop responses that keep pace with the evolution of contemporary ICTs. Technical terms – such as IP address, algorithms, cloud computing, peer-to-peer networks, the Onion Router (TOR) and Lantern – should become increasingly known even to professionals who may not possess a specialised technological background.

Also, new types of partners are necessary in the area of child protection. The private sector, which holds key responsibility for developing and managing ICTs, has a primary role to play. Search engines (such as Google and Yahoo), mobile operators (GSMA), Internet service providers (ISPs) and social platform providers (Facebook, Twitter, etc.) can facilitate access to the most innovative technology to connect children, while ensuring that young users keep safe.

Help is already coming from ICT experts. Technological solutions have been devised to intercept online offenders, such as Microsoft PhotoDNA technology, video digital footprint F1, Google video digital footprint, the adoption of algorithms in search engines and splash pages used by content providers. Software, such as the NetClean or Child Exploitation Tracking System (CETS), has been supporting forensic analysis, but a need remains for developing software that is able to track down data stored in mobile apps. Tools are also accessible to civil society to report material that they find offensive on the Net. In addition to what ICTs users can do in terms of filtering and blocking, in their capacity as parents, teachers or professionals, they can also report what they consider illegal content, through channels such as INHOPE or US ICE, the mobile phone app, available also online, launched by the FBI.

In parallel to child-friendly software, technological alliances have been created, such as the International Centre for Missing and Exploited Children, THORN and the US-UK Task Force, where a variety of partners work together to fight online child exploitation.

But more efforts are needed. Three fronts, in particular, should be mobilised to effectively combat sexual exploitation of children online: the ICT industry, law enforcement and civil society. Law enforcement units are necessary to investigate crimes by using software such as CETS Microsoft, Microsoft PhotoDNA technology and IP tracking software. They need also to conduct forensic analysis through software such as NetClean and CETS. Civil society can contribute by utilising mobile phone applications, such as INHOPE, to report illegal content, and to filter and block inappropriate content found on Internet browsers. The ICT industry should be further encouraged to invest a portion of the enormous profits

made in the online business to keep the Net safe for children (and all other users), in order to make the cyberworld a resource at the service of the human community, rather than a parallel universe in which children's lives are lost.<sup>164</sup>

## Sexual Exploitation of Children in Travel and Tourism

South Asia is a popular tourist destination. The tourism industry has grown significantly over the years offering a variety of choices from luxury resorts to eco-tourism and home stays, where tourists can enjoy direct access to family environments and to children in their own communities and homes. According to the UN World Tourism Organisation (UNWTO), more than 14 million international travellers visited South Asian countries in 2012 (1.4% of all international travellers) – an 8% increase over 2005.<sup>165</sup> India remains the most popular destination in the region, followed by the Maldives, Pakistan, Sri Lanka and Nepal.<sup>166</sup> India also represents the largest intraregional tourism-generating market, and the number of Indians who travel within the region is expected to become more significant in coming years.<sup>167</sup>

***A U.N. Office on Drugs and Crime (UNODC) report foresees that plans for economic integration, to integrate the region into the global economy, will enhance opportunities for sex offenders. As crossing borders is facilitated to favour free movement of businessmen and skilled labourers and tourism doubles over the next five years, UNODC projects that children will be at higher risk of being employed in the entertainment sector and abused as a result of the influx of travellers.***

Links between the economic model being pursued in the region and increased CSEC are understood by law enforcement and crime control agencies, but how to address this phenomenon remains a major question.<sup>168</sup>

Regrettably, despite reports of child sex tourism (CST) in several countries, there is little evidence that tourism development schemes in the region might consider integrating ecologically and socially-responsible dimensions into their planning and impact assessment systems. India's Tourism Department, for example, promotes Khajuraho as an erotic location, thus leading tourists to perceiving it as a place offering easy opportunities for commercial sex. While professionals denounce that sexual exploitation of children in the tourism industry is a well-known, visible reality, the official response is denial and a blind eye turned to this form of CSEC. Sexual exploitation in the travel and tourism industry works as an extension of labour exploitation. A vast majority of hotels, *dhaba* and souvenir shops in the region rely on child labour. The vulnerability to which children are subjected in these occupations may expose both girls and boys to being forced into sex work, being photographed for illicit purposes, pushed into prostitution or infected with HIV.<sup>169</sup>

Although the dimensions of child sexual exploitation linked to tourism have yet to be assessed, the limited literature available suggests that in some countries CST appears to affect boys more than girls. The profile of common abusers is progressively changing; child sex tourism in South Asia is no longer the sole prerogative of international travellers, but is now also perpetrated by local travellers, for example, visitors to pilgrimage sites. In Pakistan children, mainly boys who live and survive on the streets, may both sell sex to visitors to the shrines and act as agents for prostitutes, procuring clients from among the pilgrims. In some cases, CST is managed by local mafias that control the twin rackets of prostitution and drugs.<sup>170</sup>

Besides being the most popular hub for child sex tourism in South Asia, India has also become a *source* of sex tourists to South Asian, Southeast Asian and Gulf countries.<sup>171</sup> Breaking the myth that the problem is limited to Goa and to perpetration by foreign tourists, a series of studies published in recent years have highlighted the fact that child sexual abuse is committed by both foreigners and nationals in various parts of the country (including Mumbai, Karnataka, Kerala, Tamil Nadu, Orissa, West Bengal and Rajasthan), including at pilgrimage sites. Most reported cases involve male tourists victimising male children.<sup>172</sup>

Among the emerging trends in travel and tourism in India, cases have been recorded involving paedophiles and bride trafficking. In particular, the phenomenon of ‘one-month brides’ is on the rise, involving adult males who engage in some sort of union with girls whom they visit occasionally in connection with their travel, although they may have a family in their place of residence. Despite such alarming developments, several hotels do not screen tourists by registering identity documents, and cases of abused and missing children being reported to tourism authorities are rare. The latter lack awareness of the role they could play in preventing tourism from causing harm to children.<sup>173</sup>

Apart from India, the commercial sexual exploitation of children by travelling sex offenders has also flourished in other countries. In Sri Lanka estimates based on studies undertaken by development agencies and NGOs indicate that thousands of children are trafficked from rural areas and made available for prostitution to tourists. There have been reports that a large organised crime network operates throughout the country linking popular tourist areas to a regular supply of children to meet the demand of sex tourists and local paedophiles.<sup>174</sup> Sexual abuse of boys is on the rise<sup>175</sup> and, although CST involves girls, female prostitution is not as organised as male prostitution. Female tourists have begun to engage in sex tourism with local ‘beach boys’, especially along the Western and South-western coasts. While this trend is relatively

new and under-researched, anecdotal evidence and several blogs signal the sexual availability of Sri Lankan beach boys, including minors, who generally belong to poor families from nearby fishing hamlets.<sup>176</sup> The government is reluctant to reveal that CST exists in Sri Lanka, having prioritised tourism as a strategic sector for economic recovery. Attempts have even been made to silence media and other organisations reporting criminal acts being perpetrated against children.<sup>177</sup>

In Nepal, the tourism industry is the largest contributor to GDP, after remittances. The downside of the economic growth offered by this sector is the risk to children when they are targeted by travelling sex offenders. CST has been a scourge in Nepal since the early 1990s. Evidence shows that children are regularly in contact with travellers. They may accompany them in trekking tours, serve them in hotels and restaurants or even receive some form of help from them. Travellers and tourists significantly contribute to the clientele of the several sex and entertainment establishments that have been mushrooming in Kathmandu and other locations as a result of flourishing tourism. Both girls and boys have been sought out for prostitution; sexual exploitation of boys predates the development of the tourism industry in the ‘90s.

An NGO study on working children in Nepal revealed significant growth in child sex tourism in districts bordering India. Free movement of people became possible at a time when travel was unrestricted, following the end of Nepal’s civil war, and tourism increased as a result of improved security and economic conditions. Such conditions led to a rise in the demand for workers in the sex and entertainment industry, and signs advertising ‘strip tease’ and ‘bar girls’ started becoming ubiquitous in several locations; massage parlours, cabin restaurants and dance bars become easily available to locals and outsiders alike. Typically, one owner runs several establishments and moves children from one place to another to satisfy clients’ demands. Sometimes, girls are made available for an extra fee to special clients and tourists accommodated in nearby hotels

and guest-houses. Child sex tourism in Nepal is closely interrelated to commercial sex work, child sex abuse, online abuse and child pornography. There is also a direct link with paedophilia, although the problem of CST should be attributed mainly to the occasional tourist, rather than to organised international paedophiles. In fact, it should be stressed that, although foreign paedophiles have attracted major attention, they are actually quite few in number, whereas local paedophiles may represent a greater, though less recognised, risk for children, as in the case, for example, of Indian gurus who attract children using religious or spiritual pretexts.<sup>178</sup>

According to 2006 research by the NGO Asha-Nepal, nationwide, sex tourists demanding sex with women and children are said to be primarily from India, but also from Austria, Eastern Europe, Germany and Russia. Cases of travelling sex offenders from Denmark, France, the Netherlands, Norway, the UK and USA have also been reported.

***While local and international news reports highlight incidents of child sex offenders involving Western countries, existing evidence indicates that intra-regional child sex tourism is growing.***

There are several reported cases indicating Nepal as an emerging destination for sex tourists from other South Asian countries, especially India and Bangladesh. The 2010 US State Department report on trafficking in persons pointed out that, according to observers, Nepal's role as a destination for foreign child sex tourists was growing, as efforts to confront this problem in traditional Southeast Asian destinations had become more effective.<sup>179</sup>

An especially disturbing circumstance is the involvement of alleged child development sector workers or volunteers in child sex tourism. In 2000, paedophiles were identified and subsequently

apprehended from among child development professionals. Orphanage volunteerism may hide a dark side when false orphanages are created with the sole purpose of attracting helpless victims. Additionally, those who volunteer in genuine orphanages and similar child care institutions may also have predatory intentions. ECPAT is involved in a project on volunteerism with the objective of strengthening the protection of children living in care homes, who are more vulnerable to various forms of abuse and violence. The initiative even addresses tourists who volunteer for good intentions, considering the involuntary harm that they may cause by generating an emotional attachment with children with whom there is no possibility of a long-term, meaningful relationship.

It must be also considered that the vast majority of children living in orphanages are not orphans; in some cases orphanages are set up as money-making ventures rather than genuine child care services. In Nepal, efforts are underway to assist so-called 'paper orphans', i.e., children from working class families that may resort to keeping them in orphanages, owing to unavailability of childcare services, during the time when adults are engaged in livelihood activities. Children who end up unnecessarily in institutional care have been found to be vulnerable to sexual abuse and other deprivations. The problem has grown to such an extent that several organisations in South Asia are now working to rescue children from fake orphanages.<sup>180</sup>

Although no research has been undertaken on sexual exploitation of children by international travellers and tourists in Pakistan, prostitution of boys for local pilgrims and tourists at *mazaars* (shrines) has been observed throughout the country. Boys servicing Pakistani tourists have also emerged at a number of important historical tourist attractions in the North.<sup>181</sup>

Sexual abuse and exploitation by child sex tourists is not a widespread issue of concern in Afghanistan, there have been reports of involvement by contractors of private security firms funded by the U.S. government in prostitution of boys, the so-called *bacha bazi*.<sup>182</sup> At present, there is no evidence to suggest the presence of CST in the Maldives or in Bangladesh, but the potential danger of commercial sexual exploitation of children by travelling sex offenders to these countries, however, cannot be overlooked and needs further investigation. According to UNICEF, although the risk may seem minimal in the Maldives, conditions may worsen as a result of new policy allowing middle to low-end tourism to be introduced in the inhabited islands. In Bangladesh, boys sexually exploited by sex tourists on the beaches, in restaurants and small hotels have been unofficially reported at Cox's Bazar, a popular seaside destination for local tourists. There is concern that with the projected growth in the tourism sector, sexual exploitation of children by domestic and international travellers may increase.<sup>183</sup>

*Linkages with other CSEC manifestations:* Child sex tourism in South Asia is inextricably linked to other forms of CSEC. In India, for example, many of the children in Goa's sex business catering to domestic and international tourists have been trafficked into prostitution from the states of Andhra Pradesh and Karnataka, as well as from other states (Orissa, West Bengal, Jharkhand, Rajasthan and Kashmir), often in collusion with criminal networks.<sup>184</sup> Some tourists also take pictures of the abuse being perpetrated, which are later exchanged and distributed online, thus contributing to the expansion of the child pornography industry. A UNICEF Innocenti report highlighted the presence in Sri Lanka of foreign sex offenders and their local counterparts photographing and filming children while conducting sexual acts.<sup>185</sup>

## Cybercrime

In November 2009, the Indian cybercrime police arrested a Dutch national living in Chennai on charges of uploading child pornographic materials onto the Internet, following a tip-off from the Child Exploitation Online Protection Centre in Germany. The offender was already facing a case in a Chengalpattu court for sexually abusing children of Little Home, an orphanage that he had opened near Mamallapuram. He had been arrested for these acts in 2002 and then released on bail.

In 2011, the offender was convicted and sentenced to 10 years' imprisonment by a fast-track court. This was the first case of arrest and conviction in the country under the amended Information Technology Act of 2008.<sup>186</sup>

Besides using the Internet to spread images of abuse and gather information about locations where vulnerable children can be found, offenders are now increasingly using new ICTs to make contact with children prior to abusing them. A 2008 study on sexual abuse of male children in three pilgrimage areas conducted by the NGO EQUATIONS, with support from ECPAT International, found that some of the children interviewed were contacted directly through mobile phones or by e-mail in cyber-café.<sup>187</sup>

While sexual abuse and exploitation of children by travelling sex offenders is gradually spreading throughout South Asia, awareness of this form of CSEC remains limited among government agencies, tourism organisations and actors responsible for child protection. Efforts to reduce the demand for CST and promote responsible, child-safe tourism have been minimal, in terms of policy, law enforcement, and private sector involvement. To foster improved tourism practices, it will be essential to gather additional evidence on emerging trends relating to exploitation of children by tourists and travellers to and across South Asia. A meaningful point of departure might be to gather information

on ongoing practices that have proved effective in protecting children, such as in the case of Goa, India, where adults are allowed to take to private homes and hotels only blood-related children.<sup>188</sup>

With the objective of enhancing knowledge on CST, ECPAT has engaged in a *Global Study on Sexual Exploitation of Children in Travel and Tourism*, in collaboration with the Dutch Ministry of Foreign Affairs and other partners. Stopping child-abuse tourism in Asia was the goal that led to the very creation of ECPAT over two decades ago. In 1996, the first World Congress against the commercial sexual exploitation of children recognised CST as a global threat. The problem has worsened since and its nature evolved. Anonymity granted by the internet and access to cheap international travel have expanded the demand side of CST. In parallel, in many parts of the region, poverty and inequalities, social and cultural disparities, inadequate education and economic opportunities, combined with weak

child protection systems, have fuelled the supply of potential sex slaves. Responses mobilised at the international, regional and national levels have so far failed to keep pace with the speed and scale of this type of crime. Not only have limited commitment, resources and action hampered progress toward containing CST, but inadequate data has made it difficult to define the scope of the problem. The global study, which presently does not include the South Asia region in its scope, aims to elicit responses by government, non-government and private sector players by raising awareness and enhancing the understanding of the problem, profiling victims and offenders both qualitatively and quantitatively and mapping successful action underway to contain the crime. A high-profile international taskforce will provide guidance for preparation of the study, which is expected to involve partners across the global ecpat network.<sup>189</sup>



**SECTION 3.  
ADDRESSING COMMERCIAL  
SEXUAL EXPLOITATION  
OF CHILDREN IN SOUTH  
ASIA: INSTITUTIONALISING  
CSEC SYSTEMS AND  
STRENGTHENING CHILD  
PROTECTION MECHANISMS**

Section 3 discusses how the threat of commercial sexual exploitation of children in South Asia is being addressed by reviewing progress, considering challenges and proposing possible steps forward in the context of the new ECPAT programme. A brief review of the causality chain underpinning CSEC in the region serves as an introduction, to identify linkages among multiple determinants and manifestations of the problem. Building a causal framework can help to define a rigorous foundation upon which to devise relevant responses to current and emerging issues, presenting new scenarios for action. This section also reviews ECPAT's programme areas, assessing results achieved so far, analysing persisting gaps and proposing potential responses. The presentation is organised in three parts:

**1. Institutionalising CSEC systems**, to envisage actions necessary at the national, regional and local levels to firmly position CSEC on government agendas by re-orienting legal, policy and planning instruments through concerted collaboration with the actors involved. Of special concern are:

- *National Plans of Action* – planning documents that national governments have drafted over the years to eliminate CSEC and now need to be updated and implemented;
- *The legal context* – evolving legal and policy mechanisms that governments are committed to develop at the regional, national and local levels, and must be consolidated and made effective. ECPAT will continue to advocate and mobilise partners around the institutionalisation of CSEC concerns in government systems, as a way to create legal and policy environments conducive to counteracting sexual abuse and exploitation of children, in particular by supporting ratification of international legal instruments, development of regional legal frameworks, achievement of full compliance with international legal standards, law enforcement training and child-friendly justice for CSEC victims;

- *Coordination and cooperation* – efforts required to mainstream CSEC objectives in national and regional child protection systems by coordinating and cooperating among stakeholders committed at the national and local levels, and fostering regional coordination, initiatives and forums.
- 2. Strengthening child protection mechanisms** to find ways to develop suitable responses to CSEC, in both prevention and rehabilitation, focusing on:
- Prevention – building safety nets to stop children from becoming victims of sexual abuse and exploitation by creating protective shields within existing child-centred social institutions;
  - Support services – assisting CSEC victims with effective responses that can help remove them from abusive situations, recover from trauma and be fully rehabilitated members of their community.
- 3. Child and youth participation** to promote avenues for young people's involvement in preventing all forms of sexual violence against children, and in helping child survivors be restored into healthy and caring environments and to develop to their full potential.

## Identifying Causal Linkages to Address the Complexity of the Emerging CSEC Scenario

### Causal Linkages among Determinants of CSEC

Commercial sexual abuse and exploitation of children in South Asia is not only expanding in size, it is also growing in complexity. Novel forms of sexual exploitation are being generated to capture new openings in the market of child prostitution, pornography, sex tourism, online production and trade of child-abusive materials, online real-life streaming of child abuse and a host of other threats. As the business grows and becomes better

organised at both the production and commercial level, different services are packaged together to respond to ever-evolving consumer demand – and to generate new demand. The result is an intricate web of interwoven forms of CSEC, whereby child trafficking is normally linked with child labour, early marriage and prostitution, which are in turn likely to be connected with child pornography and sex tourism, which can further correlate with pornography and several kinds of online sexual abuse. The Internet acts as a unifying marketplace for various CSEC-related products, facilitating their combined commercialisation.

Not only are manifestations of CSEC strongly interconnected, but its determinants are also interlinked. A complex array of causes stands at the heart of the CSEC problem. CSEC manifestations and determinants are the two faces of one of the gravest human rights violations inflicted on children today. A structured causal analysis of major determinants is necessary to enhance appreciation of the various manifestations as well as the forces connecting them. An assessment of the causes, carried out within a human rights framework, would also lay the foundations for dealing with the multiple expressions of CSEC from the perspective of children's rights.

***A systematic analysis of the CSEC causal chain can help to unveil how progressive levels of causality vary in relationship to specific determinants; some causes impact more directly than others on CSEC-related outcomes.***

*Root causes:* At the bottom of a CSEC causal tree, where root causes are deeper, one would find the structural factors providing the context within which problems occur. Experience and evidence from South Asia have shown that major determinants at this level are normally poverty, landlessness, evolving social and sexual norms and values, certain traditional beliefs and practices and gender discrimination. Other root causes also merit consideration, such as discrimination based on class, caste or ethnicity; inadequate access to

information and low awareness; poor governance and corruption. Tackling the basic causes requires in-depth, long-term investment and planning, but has the best promise for impacting positively on other determinants as well, and ultimately eradicating the conditions that sustain the CSEC tree.

*Underlying causes:* At the next level in the causal analysis, dropping out of school and marrying early may be regarded as the most critical underlying causes of children's sexual abuse and exploitation in the region. Incapacity to procure a dowry and low levels of birth registration are closely linked to these. While basic causes do not directly impact CSEC, determinants at this level underpin negative outcomes, exposing large numbers of children (not necessarily only those most vulnerable) to CSEC. In an area like South Asia, where nearly 50% of girls are married before 18 and high dropout rates in secondary education persist<sup>190</sup> the potential exists for CSEC to become endemic. To keep children from falling through the safety nets and suffering often-irreversible trauma, mechanisms should be found to guard the gateways that across South Asia keep children securely within their most protective environments – the family and the school. Arguably, if all children in the region could be kept in school and out of marriage until they are 18 years old, the problem of sexual abuse and exploitation could be addressed right at its roots. Within the CSEC causal chain, this appears to be the most strategic level at which child safety nets should be cast. This is the causal level where preventive action can be effectively mounted, promising to yield long-term, sustainable results.

*Immediate causes:* Finally, at the level of the immediate causes critical to CSEC, are the presence of traffickers or job recruitment agents in the community; unprotected access to the Internet and mobile phones; unpredictable political unrest or environmental disasters; family dysfunction; and parental death, remarriage or other abrupt events leading to children's separation from their birth family. These and similar determinants often trigger CSEC-related events directly and need to

be tackled on a short term, even emergency, basis. Such determinants require the least human and financial investment, but also procure short-lived or only individual relief.

## **A Human Rights-Based Approach to Combating CSEC**

Causal analysis helps lay the foundation for a programme design based on a human rights-based framework. To build the rationale necessary to frame a rigorous strategy for counteracting CSEC, causal analysis should be carried out periodically to guide the planning and regular re-orientation of action, according to progress made in tackling the causes that lead to sexual abuse and exploitation of children. This should include efforts to examine and understand the social fabric and deeply entrenched values and norms, particularly those that tolerate and perpetuate sexual violence against children. There is a need to focus on demand, understand and analyze masculinity and gender norms, offender profiles, perspectives of communities and families, along with the underlying traditional, cultural and social norms that inflict and justify sexual exploitation of children. There is also a greater effort to understand children's own perceptions, resilience and agency.

This process could also support a parallel duty-bearer analysis to assign clear responsibilities to each of the stakeholders involved in the programme process. While planning action, it is important to measure the capacity that different partners possess in uprooting the causes of the CSEC problem. NGOs, which have been leading the battle against CSEC with more determination than other agencies, may not have the resources and institutional clout necessary to intervene beyond the level of tackling immediate causes. The alliances that have been forming in the region among national and international NGOs and governments, however, could together attack the deepest roots of the CSEC causal tree.

To definitively end CSEC in the region, it is necessary to devise a strategy that progressively uproots causes at the various levels. Once a concerted preventive effort is mounted to address underlying causes and safeguard all children within their most immediate family and school environments, rehabilitative interventions would be carried out in parallel to address problems affecting victims and at-risk groups, which often result from higher-level causes. In the meantime, work to address basic, root causes should also continue, in particular through advocacy, evidence creation, awareness raising and behavioural change.

ECPAT will continue to mobilise government and NGO allies to mount a human-rights-based, long-term strategy, on the basis of which to systematically plan action and measure progress being achieved in the region at the various levels of the CSEC causal tree.

In particular, ECPAT will prioritise advocacy, system creation, evidence building, awareness raising, capacity development, promotion of legislation and regulatory frameworks to curb CSEC in South Asia. Strategies aimed at building systems and legal frameworks are essential to combatting CSEC, although they need to be complemented by programmatic action to be fully effective. It is, therefore, important to provide also technical support to programme development and planning for dealing with prevention of CSEC, on the one hand, and recovery and reintegration of victims, on the other. Protocols for dealing with victims, guidelines for counselling of CSEC survivors, project development frameworks, training modules, web portals are a few examples of where benchmarks and standards could be developed to guide action, especially in emerging CSEC areas.

In the coming years, ECPAT will focus on the following priority areas:

- Combating exploitation of children in prostitution;
- Combating child pornography and abuse materials;
- Combating child sex trafficking;
- Combating sexual abuse and exploitation of children in travel and tourism;
- Fostering child and youth participation against CSEC.

Overall, ECPAT will continue to act as a point of reference on which coordination and technical assistance would hinge. To contribute strategically, it would assume a subsidiary role vis-à-vis other agencies, filling gaps that partners may not be able to address, especially in the areas of programme innovation in emerging problematic areas.

## Balancing Prevention and Curative Approaches

A comprehensive methodology would help to achieve an appropriate balance between a preventive and a curative thrust.

In the shifting scenario characterising South Asia, programme strategies must both address victims and prevent new victimisation. While it remains an imperative to rescue, recover, reintegrate and fully restore CSEC survivors back to a normal, dignified life, parallel efforts are necessary to multiply opportunities for preventing CSEC from occurring again.

The complexity of the problem makes it clear that a curative strategy alone cannot succeed in keeping up with CSEC trends at the rate and the intensity at which they are growing. Widespread preventive approaches are necessary to control a problem from spreading at a speed that is already far beyond the capacity of rehabilitative systems. In this respect, a number of important factors require consideration:

- The nature of sex offenders is such that one of them can reach out to multiple children, with evidence showing that they frequently display a preference for changing victims. The multiplier effect resulting from such behaviours indicates that while one victim is rehabilitated, several more are being victimised. A similar pattern can be found also in the abusive use of the Internet and mobile phones, where one single abusive image or episode can go viral and reach out to multiple users indefinitely;
- Sometimes victim and offender are one in the same. In healthcare, if one patient is treated for a disease, the surrounding community is protected. A similar approach may be necessary to ensure that abused children do not turn into abusers themselves;
- The threat that is prevalent across the South Asia region is part of a wider picture resulting from practices that are spreading globally, including Internet-based abusers' networks, the sustained demand for pornographic materials on the Net, the live online streaming of real-time child sexual abuses, paedophiles' use of the "hidden Web", private storage of offensive materials on the Cloud, the steady expansion of the unregulated sex trade market and the escalation of sex tourism. Globalisation of the threat puts partial achievements and results at risk by multiplying the number of child victims at a far more rapid rate than the time required for individual recovery.

A dual, complementary strategy is therefore necessary to ensure that a complete psychological and social recovery of rescued victims is achieved, while at the same time strengthening safety nets to protect children who are yet to be violated.

Creating protective communities: Prevention can be brought about more successfully at the level closest to children. The horizon of the child is by nature local. The child needs to be protected within his or her family, community and school environment. A safety net must be woven around

the child's immediate physical and social precinct, strengthening the institutions that are directly responsible for his/her protection. To be effective, the safety net needs to be tightly knit. It has to be conform as much as possible to children's daily lives, to ensure that not even one of them falls through. The level of the community is ideal for spreading the anti-CSEC safety net.

It is in communities where the primary duty-bearers responsible for child protection live and act, in close proximity with children. These are the actors that should be entrusted with core responsibilities for children's safety.

- *Families:* South Asian communities possess traditional, time-tested protection mechanisms. Extended families, a clan culture, shared values and worldviews sustain forms of social control and mutual solidarity with strong potential for allowing children to grow up physically and psychologically safe. Programme interventions should ensure that existing social systems and institutions, in particular the family, do not break down, and support them in facing as yet unknown challenges;
- *Local government institutions:* A key player in preventing abuse, exploitation and violence against children and women is the local government. Local elected representatives can ensure that families and children in their constituencies enjoy adequate access to services and feel secure. Representing the most decentralised government unit, local governments are the direct implementers of children's rights. As the level of government closest to children, they are an accessible counterpart and can engage in a sustained dialogue with children and adolescents;
- *Service providers:* Although specialised CSEC-oriented services and programmes are virtually non-existent in South Asia, the realm of sexual violence against children extends far beyond the child protection sector; other service providers

have an important role to play. Since sexual abuse negatively impacts all spheres of a child's balanced and healthy growth and development, it is also the responsibility of health, nutrition and education public services to address it. In most villages and low-income urban areas of South Asia, it is increasingly common to find schools, health centres, nutrition and child development programmes and police stations. These are the child-centric resources that should be re-tooled to work as local child protection institutions. Schools, in particular, have a crucial responsibility for keeping children away from early marriage and exploitative child labour.

*Continuum of care and protection across the life-cycle:* Involving services from all sectors would ensure a holistic response to CSEC, overcoming the tendency to confine its solution to the child protection and social welfare realms alone. A convergent, multisectoral approach would help develop a comprehensive programme platform within which independent projects can be carried out. A wider programmatic canvas would further ensure that not only adolescents, but also younger children are protected, by preventing sexual abuse in the family, averting psychological and emotional vulnerability to CSEC and violence from early childhood.

Existing social services and programmes, therefore, need to collaborate and form a common protective shield for children, together with families and communities. The ultimate aim would be to consider protection across the entire life-cycle, ensuring a continuum of care from the womb to at least 18 years of age to protect children's rights to health, education, nutrition and protection, by promptly counteracting all forms of sexual abuse, exploitation and violence in the family, community and schools.

*Child-protective governance systems:* An effective preventive approach to CSEC hinges on the forging of community-level partnerships among stakeholders mandated to respond as primary duty-bearers in contrasting CSEC. Local government institutions,

service providers, families (and, by extension, communities) should be supported to create protective environments across villages and marginal urban areas of the region. Local governance systems should be reformed to act as child rights institutions, which not only ensure full re-integration of CSEC victims, but also avert any risk of sexual abuse and exploitation from taking place in their jurisdiction. Such a human rights-based approach to CSEC holds the best potential for bringing about child-friendly decision-making processes for and with children. In a child-protective governance setting, children would have opportunities to participate in wider processes that also involve parents and other community members, teachers, health workers, police, local elected representatives. They could influence decisions on a permanent basis, sharing experiences and contributing to developing solutions from their own perspective, and fostering a child-friendly culture at all levels.

### 3.1. INSTITUTIONALISING CSEC SYSTEMS

#### NATIONAL PLANS OF ACTION<sup>191</sup>

By adopting the Stockholm Agenda for Action, governments have committed to adopting national plans of action on commercial sexual exploitation of children. National Plans of Action (NPAs) are important documents that provide a tangible indication of a country's commitment to ending sexual exploitation of children. NPAs offer multidisciplinary frameworks that help plan action to counteract commercial sexual exploitation of children at all levels of society. Specifically, NPAs seek to ensure that all aspects of child exploitation and abuse are addressed through concrete strategies, programmes and activities. They also outline specific actions that a country is prepared to carry out, indicating detailed implementation responsibilities. Finally, they develop a timeframe and provide indicators to monitor progress against

set objectives, indicating the resources required to meet estimated costs.<sup>192</sup>

Undertaking a detailed analysis of NPAs addressing CSEC in South Asia presents a challenge, as most of these policy documents are inaccessible and available secondary information is often unreliable. A recently released publication stemming from a mapping exercise based on the second edition of ECPAT Country Monitoring Reports and other sources suggests, however, that all countries in the region lag behind in the development and implementation of multisectoral policies and strategies to tackle CSEC. With few exceptions, countries in the region do not have updated NPAs addressing all CSEC manifestations. Bangladesh adopted a comprehensive NPA against sexual abuse and exploitation of children in 2002. However, although the government has recently committed to continue working to ensure its effective implementation,<sup>193</sup> it remains unclear whether any updates are envisaged, or further measures are expected to be undertaken with regard to NPA commitments.<sup>194</sup> In Pakistan, the NPA against Child Sexual Abuse and Exploitation, first developed in 2001 and revised in 2004-2005, was incorporated into the Government's National Action Plan for Children in 2006. The NPA includes measures to be implemented by 2015, including actions addressing child pornography and online sexual exploitation of children.<sup>195</sup>

Other countries have also integrated action relating to CSEC into National Plans of Action for Children. In Nepal, the Government is currently implementing a 10-Year NPA for Children, which focuses on health and protection-related issues in the areas of child abuse, exploitation, trafficking and HIV/AIDS.<sup>196</sup> In India, the National Plan of Action for Children of 2005 detailed specific strategies to protect children from sexual exploitation and pornography.<sup>197</sup>

Some countries have also developed action plans to address specific manifestations of CSEC, especially child sex trafficking. In Nepal, the *National Plan of Action against Trafficking in Children and Women for*

*Sexual and Labour Exploitation*, which was adopted as early as in 1998, has been regularly updated.<sup>198</sup> India's *National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children*, approved in 1998, was followed a decade later by the *Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women*, which deals with all forms of trafficking, including child sex trafficking. To support victims of trafficking, in 2007 the Indian government also adopted a *Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Re-Integration of Victims of Trafficking for Commercial Sexual Exploitation (Ujjawala scheme)*, which provides for a number of community-based programmes to prevent trafficking in women and children.<sup>199</sup> Sri Lanka framed an NPA on child trafficking (which may have expired in 2011), as well as an NPA to address sexual exploitation of children in tourism adopted in 2006, a unique example in the region.<sup>200</sup>

It appears that Sri Lanka, along with Afghanistan, Maldives, Nepal and Pakistan, all have current NPAs against trafficking in human beings (information on Bhutan is not available). These documents often target adults and children collectively and fail to feature tailored-made measures to specifically tackle child trafficking for sexual purposes. Yet there are examples of action plans addressing general child protection issues that also include aspects of CSEC. For example, the *National Plan of Action for Implementing the Child Labour Eradication Policy 2012-2016*, adopted in 2013 by the Government of Bangladesh, lists a number of actions to reduce trafficking and CSEC.<sup>201</sup> *The Plan to Prevent the Recruitment of Minors into the Army*, recently approved by Afghanistan, includes measures to prevent young boys from becoming victims of *bacha bazi* (boy play).<sup>202</sup>

The plethora of child-focused NPAs developed over the years generates concern regarding their actual application. Scepticism is growing about the effectiveness of such plans, which, in some

cases, risk remaining mere declarations of intent, rather than operational roadmaps for action. To make NPAs binding documents, it is essential to mainstream them in government policy, thus ensuring that activities are implemented and results monitored regularly. Both national- and regional-level monitoring mechanisms should be reviewed and strengthened to enhance accountability by governments and other key duty-bearers toward children, especially those who are more vulnerable and at risk of being exploited.<sup>203</sup>

### Areas of Concern

Although substantial effort has been made in developing NPAs, several constraints continue to hinder the implementation and effectiveness of existing policy frameworks to address CSEC in the region.

- Some of the emerging and evolving aspects of CSEC (such as sexual exploitation through ICTs and by local and international travelling sex offenders, sexual exploitation of boys and linkages between child marriage and CSEC) fall outside the purview of current NPAs;
- In some countries (such as Bangladesh, India and Sri Lanka,), NPAs tackling the different manifestations of CSEC are outdated;
- The implementation of current NPAs has faced several hurdles, including:
  - *Insufficient technical and human resources and limited coordination among responsible agencies;*
  - *Poor awareness and dissemination of the NPA among all levels of the administration;*
  - *Inadequate budgetary allocations, timeframes, targets and indicators;*
  - *Absence of monitoring and evaluation mechanisms;*
  - *Limited involvement in the design,*

*implementation and evaluation of the NPA by civil society and children, including those vulnerable to or victimised by CSE;*

- *Political instability and conflicts.*
- In countries with more than one NPA document addressing CSEC (such as Bangladesh and Nepal), there is a risk of overlapping targets and activities, with the result that responsibilities for implementation are unclear and resources are not optimised.

### **Action Areas**

- The gaps identified in the current CSEC-related policy frameworks require sustained commitment by ECPAT groups active in the region. Network members should continue to engage, directly or indirectly, to support the development and implementation of NPAs through regular local activities and programmes. They should also contribute to monitoring progress, to ensure that implementation is integrated in the national agenda. Advocacy and lobbying should focus in particular on ensuring that NPAs reflect CSEC concerns and that plan-related development, implementation and monitoring activities are mainstreamed in national policy and programming for children;
- Over the years, lobbying in favour of NPA development has been one of the key advocacy strategies adopted by ECPAT to enhance child protection from sexual exploitation. Considering

the recent evolution of CSEC manifestations and the multiplicity of NPAs framed, reflecting a variety of different approaches to child protection, the ECPAT International Secretariat should consider developing an advocacy toolkit to support the network in its lobbying activities. The toolkit should detail concrete actions that groups can promote at national and regional levels to ensure that CSEC is integrated and mainstreamed into existing NPAs, promoting comprehensive approaches;

- On the basis of the toolkit and relying on information generated in ECPAT's country monitoring reports on CSEC, ECPAT's International Secretariat, in collaboration with ECPAT groups, could conduct an in-depth assessment of NPAs for Children in the region. The analysis would ascertain the comprehensiveness of NPA instruments in relation to CSEC, paying due attention to the role being played by key regional actors – including regional institutions, ministries, UNICEF and other UN agencies, and NGOs – to gauge their priorities in supporting the development of NPA documents (e.g., NPAs on human trafficking, NPAs on children's issues, NPAs on child labour and so on). Based on the assessment findings, ECPAT would formulate its advocacy message and strategy with regard to NPAs in the region, identifying potential partners and steps to be taken to promote the adoption, revision and implementation of National Plans that mainstream CSEC in government policy.

## THE LEGAL CONTEXT

### Ratification of International Legal Instruments

South Asian countries have ratified a number of international treaties relevant to combating commercial sexual exploitation of children and trafficking in persons. International Labor Organization (ILO) *Convention n.182 on the Elimination of the Worst Forms of Child Labour* was

ratified by all South Asian countries except Bhutan and India. As of 24 November 2014, the *Optional Protocol the Sale of children, Child prostitution and Child pornography* (OPSC) was adopted by all South Asian countries, while the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* is in force only in India and Afghanistan. Maldives was one of the first 20 countries to sign the *Optional Protocol to the Convention on the Rights of the Child on a Communications procedure* (OPIC), when it was opened for signature on 28 February 2012.

Countries	Ratified international legal instruments addressing CSEC and trafficking <sup>204</sup>									
	CRC		OPSC		Trafficking Protocol		ILO n. 182		OP3 CRC	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Afghanistan										
Bangladesh										
Bhutan										
Maldives										(signedonly)
Nepal										
India										
Pakistan										
Sri Lanka						(signedonly)				

### Regional Legal Framework

#### a) Brief overview of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution and SAARC Convention on Promotion of Child Welfare

The South Asian Association for Regional Cooperation (SAARC) has adopted a number of legal instruments that have a bearing on preventing and counteracting CSEC. The *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution* was adopted in January 2002 to respond to increasing concern over sex trafficking in the region. The Convention calls for cooperation among member states in dealing with various aspects of prevention, interdiction and suppression of trafficking in women and children for prostitution, as well as for the repatriation and

rehabilitation of victims. Despite some positive features, such as the simplification of repatriation procedures for trafficking victims, this convention has been criticised on several counts, including its: narrow definition of trafficking – which limits it to trafficking for the purpose of prostitution – lack of provisions for victim compensation and criminalisation of prostitution.<sup>205</sup>

The *SAARC Convention on Regional Arrangement for the Promotion of Child Welfare in South Asia* was also adopted in 2002. It states that countries should recognise the rights of the child as laid out in the UN Convention on the Rights of the Child (CRC) and upholds the rights of the family as primary caregivers and the best interests of the child. To achieve their goals, states must set as a regional

priority the provision of essential services, such as education and health, and develop appropriate legal and administrative safety nets, such as laws protecting children from abuse, exploitation, neglect, violence, discrimination, trafficking and child labour. States are also required to set up appropriate, child-friendly systems for juvenile justice, birth registration and child participation, and should encourage local media to provide children with information that is socially and culturally beneficial to their development.

Implementation of regional instruments is reviewed and monitored annually by a high-level inter-government Regional Task Force. Under the aegis of this body, a Standard Operating Procedure was developed to facilitate and harmonise regional and inter-country operations related to the Convention on trafficking, particularly to facilitate safe repatriation. Furthermore, two dedicated regional toll-free help-lines for women and children are being created to serve as a support to persons in distress and trafficking survivors.<sup>206</sup>

### **Status of Ratification<sup>207</sup> and Submission of Alternative Reports**

Both Conventions entered into force on 15 November 2005, after ratification by all member states. Afghanistan signed the conventions upon joining SAARC in 2007.<sup>208</sup> It is important to note that neither the SAARC's charter, nor related work-plans provide official guidelines for inviting NGOs and CSOs to submit independent reports on addressing violence, including CSEC, in the region.

### **b) SAARC Social Charter and the Citizens' Social Charter for South Asia**

The SAARC Social Charter, signed in January 2004, is yet another regional legal instrument promoting children's rights and well-being. It states that children are entitled to grow and develop healthy and protected and, to this end, the Charter calls for special services for mothers and children, including early childhood care, timely and appropriate nutrition, education and recreation. The Charter further stresses the need to enhance education, literacy and skills development among adolescents and youth, especially girls, and to eliminate child/early marriage. Importantly, the Charter extends its provisions to groups of children who are more vulnerable to sexual exploitation, including street children, orphans, displaced children, abandoned children and children affected by armed conflict and drug abuse. SAARC has set up National Coordinating Committees (NCCs) to ensure implementation of the Charter. Heads of NCCs meet annually to assess progress.<sup>209</sup> The Social Charter also acknowledges the important role of CSOs in "driving forward the implementation of the Social Charter" and directs the NCCs to mobilise civil society organisations to achieve this end.<sup>210</sup> However, aside from the existence of focal points in each country, the SAARC Social Charter does not envisage a specific monitoring mechanism other than those led by CSO as mentioned below.<sup>211</sup>

To complement the *SAARC Social Charter*, SACEPS (South Asia Centre for Policy Studies), an independent regional, non-profit group (engaged in promoting policy dialogues, research and interaction between policy makers, business community and

civil society), organised a two-year consultation process with civil society organisations in six SAARC countries, which led to the adoption of the *Citizens' Social Charter for South Asia*. Developed through a transparent, broad-based, participatory approach,<sup>212</sup> the document calls for the “elimination of all forms of violence against children, child abuse, sexual exploitation, trafficking and child marriage, child pornography, use of children in conflict and crime”.<sup>213</sup> The final version of the SAARC’s Social Charter also included a provision calling for the formation of a Citizen’s National Forum in each country to monitor implementation of the Social Charter. Such CSO-based forums have contributed to monitoring gaps between official pronouncements and the situation on the ground. They have also guaranteed civil society participation in the process, as the NCCs established in conjunction with the official SAARC Social Charter are generally devoid of CSO representation.<sup>214</sup> In addition, SACEPS is currently implementing a ten-year project (2010-2020) to monitor implementation of the Citizen’s Social Charter in five SAARC countries, focusing on different sectors, including the rights and well-being of children and youth.<sup>215</sup>

## Action Areas

### Strengthening advocacy work at national and regional level to ensure the adoption of international treaties and monitoring of regional instruments

- ECPAT member organisations in South Asia should consider joining the *International Coalition for the OPCRC on a Communications Procedure* in order to receive technical support and guidance to advocate for the ratification of the new Optional Protocol in their respective countries. The coalition gathers international, regional and national non-governmental organisations and networks, human rights institutions and other non-governmental bodies committed to achieving rapid ratification and entry into force of the OP3 CRC. The coalition is

led by a Steering Committee currently composed of 13 international and regional child rights-focused NGOs. ECPAT International is a member of the NGO Coalition for the OP3 CRC, and ECPAT groups in Burkina Faso, Argentina and Uruguay have also joined;

- ECPAT member organisations in South Asian countries (except India) contribute to lobbying initiatives aimed at promoting the ratification of the Trafficking Protocol by their national government; such efforts should be continued;
- Using the Country Monitoring Reports as a basis, ECPAT member organisations, in collaboration with ECPAT International, should continue to engage in the development, submission and follow-up of UPR contributions, as well as alternative reports on implementation of the CRC and OPSC;
- Considering that mechanisms have not been established for NGOs to submit alternative reports on implementation of the *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution* and *SAARC Convention on Promotion of Child Welfare*, it is essential for ECPAT to strengthen its partnership with SAGC and the South Asian Initiative to Prevent Violence against Children (SAIEVAC) to monitor progress by South Asian states in addressing violence issues, including CSEC;
- ECPAT groups in the region may consider joining the Citizen’s National Forums established in SAARC countries that have adopted *the Citizens’ Social Charter for South Asia*, as a way to report on government implementation achievements and gaps, particularly with reference to measures adopted against CSEC. Member organisations might also establish links with SACEPS, to contribute to its ongoing efforts to monitor implementation of the Citizen’s Social Charter in five SAARC countries, focusing specifically on CSEC-oriented actions.

## Compliance with International Legal Standards

Over the past decade, several SAARC countries have embarked on a legal reform process aimed at strengthening protection of children and adolescents from sexual exploitation and aligning domestic legislation with relevant international legal instruments. In consideration of the gaps that still persist in national legal frameworks devised to combat CSEC, more effort should be made to ensure full harmonisation with standards set forth in international agreements, especially the OPSC and *Trafficking Protocol*.

### **Exploitation of Children in Prostitution**

OPSC Article 2 (b) defines child prostitution as: “the use of a child in sexual activities for remuneration or any other form of consideration”. Although four South Asian countries<sup>216</sup> have legislation that specifically addresses child prostitution, none provide a definition of child prostitution consistent with Article 2 of the OPSC. The OPSC requires all State Parties to ensure that their legislation criminalises the offering, obtaining, procuring or providing of a child for child prostitution, or the attempt of the same (Article 3.1(c)). However, only Bangladesh and Bhutan prohibit all of these acts.

Prostitution is illegal in all South Asian countries. Provisions relating to child prostitution often form a subsection of the country’s Criminal Code relating to adults, so that offences involving minors are regarded as an “aggravating factor” leading to harsher penalties. It is, however, of concern that, where child prostitution is only addressed in the context of general criminal law rather than as a child protection issue, the child is not recognised as a victim in need of support services. Equally concerning is the fact that, in some countries (e.g., Bangladesh and Pakistan), provisions relating to child prostitution only refer to girls, leaving boys unaddressed<sup>217</sup> and often do not extend to all

children under 18 years of age. In Sri Lanka, for example, the Vagrants Ordinance provision on causing or encouraging a girl to become engaged in prostitution applies only to girls under age 16, leaving all boys and girls over 16 unprotected.<sup>218</sup>

***Virtually no South Asian laws explicitly exempt children and young people from punishment for prostitution-related crimes. This represents another key legal loophole which should be urgently addressed.***

A positive development stems from India. Framed in the context of the Convention on the Rights of the Child and the national Constitution, *The Protection of Children from Sexual Offences Act, 2012* (POCSO) aims to protect child victims from sexual assault, sexual harassment and pornography. The law does not address child offenders, who are instead to be punished under the *Juvenile Justice (Care and Protection of Children) Act, 2000*. POCSO offers a clear definition of the offences being criminalised and grades punishment according to the gravity of the offence. Child-friendly provisions are made for reporting, recording evidence, investigation and trial. The establishment of special courts is expected to ensure speedy trial. The *POCSO Rules, 2012*, further provide for translators, interpreters, special educators and experts, payment of compensation for relief and rehabilitation, care and protection, and emergency medical treatment. While the law fills a significant gap in the Indian legal system, two years since its enactment implementation is still a challenge. Putting POCSO in effect has been slow and patchy, especially with regard to establishing the required medical and judiciary infrastructure and training health and law enforcement personnel.

### **Exploitation of Children in Pornography and Sex Abuse Materials**

International and regional legal frameworks concerned with child pornography exist to provide the fundamental principles and standards on which to build a national legal architecture. These include

the *CRC* (1989); the *OPSC* (2000); the *Cybercrime Convention*, also known as the *Budapest Convention* (2001); and the *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse*, also known as the *Lanzarote Convention*. The *Optional Protocol*, defines and prohibits child pornography (articles 2 and 3). It criminalises producing, distributing, disseminating, selling, offering, possessing for distribution, importing or exporting child pornography (article 3). Nevertheless, the *OPSC* has several limitations, as it fails to criminalise critical violations, such as the mere possession of illicit material, intentional access of child pornography through ICTs, or online real-time viewing of child pornography as well as grooming. The *Budapest Convention* does criminalise the possession of child pornography in a computer system, as well as depictions of persons appearing to be minors and realistic images of a minor engaged in explicit sexual conduct. The *Lanzarote Convention* further criminalises possessing and knowingly accessing child pornography through ICTs, as well as *grooming*.

Even more substantial gaps persist in national legislation meant to curb the illicit use of the Internet to the detriment of children. Only Bangladesh, Bhutan and Pakistan have framed legislation specific to child pornography, although no South Asian nation has adopted a definition of child pornography in full compliance with Article 2 of the *OPSC*. Obscenity laws (or “laws against morality”) are still used to prosecute cases of child pornography in some countries, such as Nepal and Sri Lanka, although such legal instruments were not designed to specifically address the crime or protect children. India and Pakistan have established higher standards than those set in the *OPSC* by criminalising the mere possession of child abuse materials, although emerging threats, such as *grooming*, for example, are not targeted by any national legislation in the region.<sup>219</sup>

The effectiveness of existing laws is another issue. The Cyber Act 2008, enacted in Bangladesh to curb online sexual exploitation, for instance, fails to provide a specific definition of the crime and to offer measures to protect children from viewing objectionable sites. Given this situation, it is encouraging that several countries in the region have started reviewing and updating legal frameworks relating to child sexual exploitation online.

Regional mechanisms, such as SAARC and SAIEVAC, can play a pivotal role in guiding nations to equip themselves with the necessary regulations. SAARC could lead efforts to develop a legally binding instrument to curb child pornography and to step up systems meant to control trafficking of women and children inside and across countries of the region. SAIEVAC has been proactive in the area of online sexual exploitation of children by promoting the adoption and enforcement of legislation prohibiting all forms of sexual abuse, exploitation and harassment, as well as a *Code of Conduct* for the telecommunication services (i.e., Internet providers, mobile phone companies, Internet cafés) and the travel and tourism industry.

***To protect children from the fast rising threat of SECO, the South Asia Region needs to harmonise national legislation according to the obligations established in the OPSC and other relevant international instruments, especially with regard to the definition of child pornography and other conduct that constitutes a crime against children.***

In particular, the Budapest and the Lanzarote conventions should be regarded as model frameworks guiding national legal reform. In parallel, there is an urgent need to strengthen bilateral and multilateral agreements to enhance judicial and police cooperation. The decentralised nature of the Internet, which has no single ownership and disregards national boundaries, raises jurisdictional issues and favours the transnational character of

cybercrimes, requiring that actors operating in a variety of national and institutional settings work together to make the system safe for children.

ECPAT promotes a process leading to legal reforms, matched to adequate advocacy, evidence creation, capacity building and regional partnerships, as the main ingredients required to set in motion a concerted effort to stop the aggressive online spread of child abuse materials and pornography.<sup>220</sup>

### **Restriction on financial transactions in Sri Lanka and access blocking in India**

Initial efforts were deployed by governments in India and Sri Lanka to counteract the growing concern over online child pornography.

In Sri Lanka, the Financial Intelligence Unit (FIU) issues notices to inform commercial banks whose customers contribute to child pornography websites through electronic payment systems and Internet transactions.<sup>221</sup> Credit cards remain the most common method of online payment used by consumers and suppliers of pornographic material. The Financial Transactions Reporting Act No.6 of 2006 (FTRA) lists “offences against children” as an unlawful activity, and banking institutions were required to overhaul customer databases with due diligence based on the provisions of the FTRA and Rules by the end of 2008.<sup>222</sup> A task force of Sri Lankan commercial banks, in collaboration with the FIU, is working to eradicate the commercial viability of child pornography.

The Indian Government has recognised the need for blocking obscene and pornographic websites for years. In an order dated February 2003, the central Government laid out the

procedure for blocking pornographic websites. The Computer Emergency Team-India (CERT-IND), a government agency under the Ministry of Communications and Information Technology, was appointed as the authority for issuing instructions to block websites. After verifying the authenticity of a complaint and determining that blocking a website is essential, CERT-IND is empowered to instruct the Department of Telecommunications to block the website. As of March 2013, the government had reported the blocking of more than 600 websites containing sexually explicit material.<sup>223</sup>

### **Child Sex Trafficking**

Five South Asian countries<sup>224</sup> have passed separate legislation specific to child trafficking. However, only Sri Lanka has adopted legal provisions<sup>225</sup> that include a comprehensive definition of child trafficking consistent with the Trafficking Protocol – although the country has not yet ratified this international legal instrument.

Existing trafficking legislation also expressly mentions that the “consent” of a child victim of trafficking should be irrelevant. Only Bhutanese and Sri Lankan legal definitions of child trafficking do not require the involvement of means such as force, deception, violence or coercion to define trafficking.

### **Extraterritorial Legislation**

Extraterritorial legislation addressing CSEC offences is in place in all South Asian countries, with the exception of Bhutan.

The Committee on the Rights of the Child recommends that double criminality should not be

a prerequisite for conviction under extraterritorial legislation, even though this requirement is not set out in the OPSC. Double criminality means that the offence must be prohibited in both the home country of the perpetrator and in the jurisdiction where the offence took place. In nations where the criminal or penal code has a prerequisite for double criminality, a national can travel to another country with a less child-friendly legal framework to engage in child sex tourism without any consequence. No South Asian country require double criminality, or makes prosecution conditional upon the filing of a complaint by the victim or a formal request by the State of which the victim is a national.

### ***Sexual Abuse and Exploitation of Children in Travel and Tourism***

None of the South Asian states have adopted laws addressing specifically the issue of sexual exploitation in tourism.

#### **Action Areas**

##### **Advocating for legal reform**

- It is urgent that ECPAT groups in the region advocate for legal reform on CSEC-related offences, to bridge gaps persisting in legal and policy frameworks;
- In preparation for a regional meeting to be held in collaboration with SAIEVAC to review developments and actions taken to ensure the implementation of the SAIEVAC's workplan, as well as the Rio Declaration (see sub-section on "Coordination and Cooperation"), ECPAT groups, in collaboration with ECPAT International, might consider developing a report on harmonisation of domestic legislation in South Asian countries with international legal instruments, particularly the OPSC and the Trafficking Protocol, providing specific recommendations for legal reform.

Enforcing and implementing legislation that prohibits all forms of sexual exploitation is one of the key expected results of the current SAIEVAC workplan.

### ***Child Marriage***

Most national governments in South Asia are aware of the seriousness of early marriage, and have taken steps to prevent it. All countries have adopted legislation to regulate its proliferation and set age limits. Laws in Bangladesh, Bhutan, India and Nepal reflect international standards, with legal age set at 18 or above. In countries where *Sharia* law has greater influence, girls can legally marry as early as at age 15 (in Afghanistan) and 16 (in Pakistan). Discriminatory national legislation in Afghanistan and Pakistan sets the marriage age at 16 for girls and 18 for boys. In Sri Lanka and the Maldives, national legislation has set the age of marriage at 18, although *Sharia* law permits marriage of girls after they reach puberty.<sup>226</sup> In the Maldives, a person legally married to a child under Islamic *Sharia* is exempted from child sexual abuse offenses, including child prostitution.<sup>227</sup>

Child marriage is an abuse of human rights. The Universal Declaration of Human Rights (1948), the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1964), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and the Convention on the Rights of the Child all point to child marriage as a human rights violation and call for marriage laws that allow children to reach the age of maturity before marrying.

Child marriage is outlawed in all South Asian countries, but legislation is often obsolete or does not reflect the fundamental principles and standards set by international law in all cases.<sup>228</sup>

***Most countries ban traditional practices that lead to child marriage and penalise the adults***

*who, in various capacities, arrange or permit child marriage. Unfortunately, these laws are widely flouted and prosecution seldom pursued.<sup>229</sup> Monetary penalties are normally only nominal; imprisonment, envisaged in some legislation, remains largely unenforced.*

Impending child marriage can be prohibited when brought to the notice of law enforcement officials. However, although some legislation provides for nullifying marriages performed before legal age, in most countries, once a child marriage has taken place – even if illegally – it cannot be declared void. In any case, legislation is rarely resorted to and hardly enforced, even when the law allows for a petition to be filed in court to nullify a child marriage, as is the case of the *Indian Prohibition of Child Marriage Act* (2006).

The feeling among communities and officials interviewed in Bangladesh, India and Nepal is that overcoming child marriage requires an in-depth shift, both in cultural practices and expanded opportunities. Prevention emerges as the key word. Legal provisions themselves should work as a deterrent, rather than being pursued with punitive intent. Even families that are aware of the law may decide to challenge its provisions if they feel that it contrasts with their cultural beliefs or economic interest. If necessary, marriages are performed clandestinely, away from the public eye.<sup>230</sup> The few recorded attempts that have been made to stop already arranged marriages by government and NGOs officials committed to implementing anti-child marriage laws, or at the initiative of the community, have normally resulted in financial loss, damaging family pride and instilling suspicion about the bride's honour.<sup>231</sup> Key issues at the core of effectively preventing early marriage are eradicating the dowry system and promoting girls' education.<sup>232</sup>

## Action Areas

### Supporting the application of laws against child marriage and advocating for non-discriminatory legal reform

- ECPAT groups active in the region should contribute to ensuring the application of legislation barring child marriage and advocating in favour of reforming existing discriminatory laws.

### Law Enforcement Training and Child-Friendly Justice for CSEC Survivors

South Asian countries have made very limited progress in ensuring that the rights of children and their best interests are upheld and protected within the justice system. Regrettably, only few examples of child-sensitive approaches during criminal investigations and proceedings concerning child victims of trafficking and sexual exploitation in the region can be identified. In India, the “Protocol for pre-rescue, rescue and post-rescue operations of child victims of trafficking for commercial sexual exploitation” clearly specifies the measures to be taken to protect the identity of the victims, which include keeping their identity confidential and refraining from publishing information relating to survivors in a newspaper, magazine, news or visual media. The government has also adopted guidelines for speedy disposal of child rape cases. In addition to requiring that the identity of the victim and the family be kept secret and the family be ensured protection, the guidelines stress that the atmosphere in the court must be child-friendly and the recordings carried out via video conferencing or in a manner conducive to ensuring that the victim is not subjected to close proximity with the accused.<sup>233</sup>

In Nepal, the Human Trafficking (Control) Act 2007 stipulates that in-camera hearings should be held in juvenile courts to protect victims of human trafficking, who could also rely on the assistance of trained social workers, psychosocial counsellors and government attorneys. It also prohibits the publication of confidential information detrimental to the victim's character without obtaining his/her consent, and provides for an interpreter and translator, in case the victim speaks a different language.<sup>234</sup>

To facilitate reporting of crimes and protection of victims, specialised police units have been set up in most South Asian countries to deal with human trafficking cases and violation of children's rights, including sexual abuse and exploitation. In the Maldives, the Police Service maintains a special Family and Child Protection Unit, which relies on staff especially trained to deal with CSEC. In Sri Lanka, Children and Women's Bureau Police Desks, headed by female police officers, were established in 36 locations throughout the country<sup>235</sup> (and smaller desks in over 200 police stations) to encourage more woman- and child-friendly law enforcement procedures.<sup>236</sup> Their activities include investigating reports and presenting cases to Court, with priority usually given to child abuse cases, particularly referring to paedophilia and domestic violence.<sup>237</sup> In Bangladesh, anti-trafficking police units were established in all 64 districts of the country to encourage victims to testify against their traffickers and develop data on trafficking. Anti-trafficking police units have also been set up in India and Pakistan.

In collaboration with NGOs and UN agencies, training has been conducted across the region to build capacities of law enforcement officials of different ranks (police officers, border guards, customs officers, peacekeeping troops, the judiciary) on early identification, investigation and prosecution of cases of human/child trafficking and, to a lesser extent, child sexual abuse and exploitation, as well as on victims' protection and children's rights. Initial attempts to incorporate capacity building on these

themes in the regular training of law enforcement personnel were made in some countries. In Pakistan, for example, a child protection course was developed for all police and judicial training academies and colleges. In Bangladesh, besides integrating a course on combating human trafficking into the regular training curriculum of police training institutions, the government reports the development of a new curriculum for law enforcement agencies addressing issues related to sexual abuse and exploitation.

***Promising initiatives notwithstanding, South Asian countries continue to face common challenges relating to the protection of child survivors in the justice system. Child-sensitive investigative procedures in line with international standards are still absent in most countries and, where they exist, are not systematically utilised by law enforcement authorities.***

Free legal aid and protection programmes for child witnesses are broadly absent, potentially exposing children to threats and intimidation from perpetrators and discouraging the filing of complaints and appearance in court. As a result of blurred definitions relating to child sexual abuse, governments may be reluctant to prosecute offenders, opting instead for out-of-court settlements. Additional pressure to ignore the crime committed against children may arise when the offender holds a high social or political status. In a context of virtual absence of victim or witness protection, a lopsided situation may arise whereby the abuser, rather than the victim, is protected. Further, existing specialised police units are often understaffed and insufficiently deployed across national territories. Training of police staff operating in these units and other law enforcement officials who may come into contact with vulnerable children and survivors is inadequate. The final result is that child victims remain often unidentified or treated as criminals, rather than as individuals in need of protection.

When the child manages to disclose the abuse and seek justice, cases are examined by a general physician. A virginity test, commonly known as the two-finger test, is often used to establish whether the child has undergone sexual intercourse. This invasive, unreliable and even unethical practice imposed on an already traumatised child, typically in conditions that lack privacy, in open and common rooms and without the presence of the child's guardians, lead to further trauma and distress. The adoption of such methods also highlights the prevailing emphasis on penetrative vaginal sex, disregarding forced oral and anal sex as additional forms of sexual abuse.

*Even when the painful process of proving that a violation has taken place is completed, in most countries victims are denied compensation and specialised services. Lack of support, social stigma, irresponsible media coverage and ineffective measures against offenders expose survivors of sexual abuse to the risk of revictimisation.<sup>238</sup>*

## Action Areas

### Enhancing capacities of ECPAT groups to deliver multi-stakeholder training on CSEC and advocating for the protection of child survivors in the justice system

- Government, non-government and civil society institutions have an obligation to fulfil children's rights and tackle violations. Their efforts should focus on re-orienting customary laws and social norms that have proved detrimental to children's wellbeing and acted as a hurdle preventing implementation of child-friendly legislation;
- National legislation should be harmonised with human rights treaties that all countries in the region have ratified, while deterrents should be made more effective by enhancing the effectiveness of legal procedures and establishing penalties commensurate with the offence. Progress in the implementation of children's rights, with reference to policy, programme and budgetary responses, should be reported to treaties bodies and recommendations received should be fully implemented;
- National human rights institutions, national commissions for children and women, children's ombudsperson offices, child-friendly police stations and courts are some of the mechanisms that need to be established (or sustained where they exist) to ensure that they strengthen child protection responses from a rights-based perspective. Through such institutions, children and their allies can file complaints, seek justice and prosecute perpetrators. The examples of Bhutan and India, which have created law enforcement units to address violence against women and children, including child marriage, provide leadership in the region. Bhutan also instituted a National Commission for Women and Children, which, since 2004, has been active in upholding its mission, raising awareness and offering training sessions for the judiciary, police and civil society organisations on issues pertaining to the rights of women and children, including human trafficking and child marriage;<sup>239</sup>
- The Secretariat should conduct training for ECPAT groups to equip them to train relevant stakeholders (social workers, law enforcement, health professionals) on the different manifestations of CSEC, focusing on prevention, protection/legal framework and recovery/reintegration. Special attention should be paid to identification and rescue of survivors, as well as on child-sensitive approaches during investigation and prosecution;
- In the context of the proposed study on harmonisation of domestic legislation in South Asian countries with international legal instruments, a specific focus should be placed on access by survivors to child-friendly

justice, highlighting gaps and suggesting recommendations for improvement.

## COORDINATION AND COOPERATION

In accordance with the Stockholm Declaration, close interaction and cooperation between government and non-government sectors are necessary to effectively plan, implement and evaluate measures to combat CSEC. At the international level, effective cooperation is required between countries, international and regional organisations to adopt a concerted and coordinated approach toward eliminating CSEC.

### Coordination and Cooperation at National and Local Levels

A 2009 study by Save the Children on child protection systems in South Asian countries highlighted that “only recently have governments started looking at child protection in a more holistic manner, and there is still an inclination to address it from an issue-based perspective”.<sup>240</sup>

All countries in the region have a ministry or another focal mechanism responsible for children that acts as a nodal agency for issues relating to child protection and coordinates efforts among relevant ministries<sup>241</sup>, and decentralised administrative units active at district and local levels. In most national contexts, the nodal agency for children is also entrusted with primary responsibility for anti-trafficking policies and initiatives.<sup>242</sup> In addition, a number of national-level coordinating mechanisms have been established to oversee the implementation of existing NPAs focusing on child trafficking or child protection and to carry out concerted actions in these areas. The coordinating mechanisms, structured in the form of inter-ministerial committees, working groups or task forces, normally enlist the representation of different government departments, UN agencies

and nongovernmental organisations.<sup>243</sup> Multi-stakeholder anti-trafficking bodies have also been established at the local level, such as, for example, the Municipality-level Task Forces against Trafficking of Women and Children set up in Nepal,<sup>244</sup> or the State Committees on Child Prostitution formed in India.

While Nepal is the only country in the region that has appointed a national rapporteur on trafficking<sup>245</sup>, all South Asian countries have established a Human Rights Commission or a Children’s Commission<sup>246</sup>, a significant step forward toward promoting and protecting children’s rights. In India, the *Commissions for Protection of Child Rights Act, 2005* provides also for the creation of state commissions to promote and defend children’s rights.<sup>247</sup> While encouraging progress has been made in the region to strengthen coordination toward upholding children’s rights, it is concerning that only a few countries, namely, Maldives, India and Sri Lanka, have made concrete arrangements to establish comprehensive referral systems for child victims of violence, including CSEC.<sup>248</sup> The result of poor coordination is fragmented and patchy service delivery, which ultimately results in inadequate assistance being rendered to child survivors (see sub-section on “Support Services”).

In India, under the provisions of *The Commissions for Protection of Child Rights Act 2005*, National and State Commissions for the Protection of Child Rights (N/SCPCR) have been constituted to examine and review legal safeguards, recommend measures for implementation and report on progress, inquire into violations of child rights and recommend initiation proceedings, review policies and programmes in reference to treaties and international instruments, spread awareness on children’s rights, and facilitate the formation of children’s courts and the appointment of a Special Public Prosecutor.

In addition, the Integrated Child Protection Scheme (ICPS) seeks to deliver an array of child protection programmes under one single umbrella, including institutional and non-institutional family care,

Child Welfare Committees, Juvenile Justice Boards, Special Juvenile Police Units and Child Line. The services are to be provided through a State Child Protection Unit (SCPU), a State Adoption Resource Agency (SARA) and District Child Protection Units (DCPU), thus envisaging a first ever institutional and programmatic framework for child protection at the national and local levels.

In terms of broader partnerships, governments of South Asia have recognized that INGOs, UN agencies, civil society organizations, the private sector, the academia and mass media have an important role to play toward building comprehensive child protection systems. NGOs active in the region typically fill gaps in service delivery where government cannot provide with adequate responses. They are also key in influencing behavioural change, advocating with key decision-makers, mobilising the public and encouraging children's participation.<sup>249</sup> Some initial collaboration between the government and the private sector has been established, often revolving around the creation of livelihood opportunities for survivors and awareness-raising. For example, in 2008, the Ministry of Women and Children's Development of India created a Think Tank on Public Private Partnership to Prevent and Combat Trafficking of Women and Children to involve the corporate sector in a multi-stakeholder approach to addressing human trafficking.<sup>250</sup>

### Microsoft contribution to the fight against human trafficking

A number of Microsoft initiatives are good examples of successful public-private partnerships in combating human trafficking and sexual exploitation in India and beyond. One such programme, Microsoft's Unlimited Potential - Community Technology Skills Program, supports several actions in the Asia-Pacific region by building information and communication technology (ICT)-related skills in victims and potential victims of

trafficking and exploitation. Through this programme, local NGOs have established Community Technology Learning Centres where victims of trafficking are provided skills for local employment and rehabilitation in the ICT sector with the support of a specially adapted curriculum.

In India, the centres are managed by the Communities and Progress Foundation, a national non-profit organisation that assists disadvantaged youth, disaster victims and refugees. The foundation is presently coordinating efforts to establish 95 centres in human trafficking-affected areas across India, Nepal, Bangladesh, Sri Lanka and Vietnam. Among the foundation's partners is the Delhi-based NGO, Prayas, which runs learning centres in rural and semi-urban areas of the country. The foundation has also partnered with the India police's Cyber Crime Division to educate cyber café owners about online risks.<sup>251</sup>

*The media:* It is also worth mentioning promising examples of joint initiatives with the media, such as the UNODC partnership with UNIFEM, government actors and media companies to develop a media coalition against trafficking across India and Nepal.<sup>252</sup> In India, the National Coalition of Media Persons to Fight Against Gender Violence, Human Trafficking and HIV/AIDS has supported several activities, including the petition launched by ECPAT and The Body Shop in the framework of the "Stop sex trafficking of children and young people campaign".<sup>253</sup>

*Community-based mechanisms:* Successful multi-stakeholder collaborations have also taken place at the community level, where comprehensive and holistic mechanisms have been established to protect children from violence, including CSEC watchdog groups, child protection committees and vigilance committees that have been formed throughout the region, with the involvement of community volunteers, teachers, health and police personnel and children. In some cases,

such grassroots institutions have succeeded in linking with the local government system. Child protection committees normally keep a vigilant eye on potential traffickers and generate awareness on child protection issues. They also identify vulnerable families and children and refer them to services and programmes. In Bangladesh, for example, committees working in border towns have been effective in reducing the incidence of trafficking of children (for other examples of collaboration with the private sector, media and communities, see subsection on “Prevention”).<sup>254</sup>

### Areas of Concern

- The plethora of administrative bodies established in recent years suffer from various problems relating to coordination, including inefficiency and duplication of tasks, and poor liaising within and between ministries and between national, district and local level authorities.
- The effective functioning of existing coordinating mechanisms is hampered by inadequate financial and technical resources, poor capacity by professionals and officials, unclear definition of roles among existing child protection authorities.
- Coordination and collaboration efforts continue to prioritise the issue of trafficking, neglecting, however, other forms of CSEC, such as sexual exploitation of children through ICTs, for example. The management of child protection initiatives is often outsourced by the government to civil society organisations. In the process, the government tends to deal with potential partners as if they were mere contractors and lose touch with field implementation.
- The relationship between governments and donors in South Asia has been experiencing some tension as of late, with government being critical of INGOs and UN agencies accused of interfering with national policy development and, on the other hand, with donors often criticising government for misusing funds. As financial resources have

been increasingly transferred directly to NGOs, coordination between government, donors and civil society organisations has weakened and the implementation of child protection programmes has become more fragmented.<sup>255</sup>

### Action Areas

#### Strengthening child protection systems for children vulnerable or subjected to CSE

- ECPAT groups active in the region could contribute to addressing the loopholes that persist in the area of coordination and cooperation through the ongoing advocacy efforts that they carry out at the national level. To support such endeavour, ECPAT International Secretariat may consider developing resource material relating to effectively building child protection systems, highlighting the specific measures that national systems are expected to develop. Ideal partners in carrying out this exercise would be organisations such as Save the Children and UNICEF. The resource material could be used also for training purposes in the region, for example, in the context of regional network exchange meetings.
- In addition, a few interested ECPAT groups, in collaboration with the Secretariat, may consider launching a pilot evaluation project of current child protection systems and their effectiveness in recovering CSEC victims, to provide recommendations for action to be taken at the national and local levels. The evaluation process would benefit from consulting government, NGOs and other actors responsible for child protection.

#### Regional Coordination, Initiatives and Forums

The importance of regional coordination and collaboration to address child protection and CSEC-related issues has been progressively acknowledged

by Governments in South Asia as testified by the numerous initiatives and platforms that have been promoted over the years.

**SAARC:** The development of children and the promotion of their wellbeing is a core area of cooperation identified by the South Asian Association for Regional Cooperation. Established when its Charter was formally adopted in 1985 by the Heads of State or Government of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, SAARC aims to accelerate the process of economic and social development in member states.<sup>256</sup> The *SAARC Social Charter, Convention on Preventing and Combating Trafficking in Women and Children for Prostitution* and related Standard Operating Procedure on handling cases of cross-border human trafficking, as well as the *SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia* are important documents for enhancing the protection of vulnerable or victimized children in the region (see sub-section on the “Legal Framework”).

**SAIEVAC:** In addition to SAARC, other regional forums address issues related to CSEC. The South Asia Initiative to End Violence against Children is a unique initiative, established as a regional response to the global call by the UN General Secretary to End Violence against Children in 2005. It is led by the South Asian governments in partnership with civil society organisations, national and international NGOs, UN agencies, children and adolescents. Until 2010, it was known as the South Asia Forum on Violence against Children (SAF), formed during the regional consultation for the UN Study on Violence against Children held in Pakistan in 2005.<sup>257</sup> To achieve its ambitious goal, SAIEVAC, in collaboration with SAARC, developed a work-plan for the period 2010-2015. To support the development of effective and comprehensive child protection systems in the

region, SAIEVAC’s work-plan prioritised five core issues: child marriage, corporal punishment, sexual abuse and exploitation, trafficking and child labour.

The areas of sexual abuse and exploitation, trafficking and early marriage are institutional priorities that coincide with ECPAT’s mission, and the other areas are also relevant. In particular, with regard to child marriage, SAARC has drafted and signed the *Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002)* and the *Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia (2002)*, defining a child as a person below the age of 18 years and establishing a correlation between forced marriage and trafficking. SAIEVAC recognises early marriage as a harmful traditional practice and has held regional consultations with SAARC member states, civil society organisations and child representatives to formulate an action plan to tackle the problem in the region.

For each of the identified priority areas, the plan sets expected results and specific indicators. SAIEVAC’s activities include organising technical consultation meetings, raising awareness, building capacities and sharing good practices and lessons learned in the prevention and response to violence against children. In December 2011, as a result of well-coordinated lobbying, SAIEVAC was granted the status of SAARC ‘Apex Body’ making it the first ever-regional organisation for children to achieve this recognition. ECPAT already collaborates with SAIEVAC, and has participated in consultation meetings. ACD Bangladesh, an ECPAT member group, is a member of the Executive Committee of the National Action and Coordinating Group against Violence against Children. There is clear convergence between SAIEVAC and ECPAT’s objectives; SAIEVAC’s work-plan provides additional opportunities for strengthening collaboration.

### SAIEVAC'S workplan: Expected results and indicators in the area of CSEC

#### "4.3 Expected Result: SEXUAL ABUSE AND EXPLOITATION

By 2015, all States have taken the necessary steps to end sexual abuse and exploitation against children by adopting comprehensive legislation, ratifying all relevant international and regional instruments and enforcing a Code of Conduct for telecommunications services (i.e., internet providers, mobile phone companies, internet cafés) and travel and tour outlets to prevent sexual abuse and exploitation.

#### Indicators:

1. # of States that have legislation to prohibit all forms of sexual abuse, exploitation and harassment including physical and non-physical forms in all settings against both boys and girls
2. # of States that are enforcing and implementing legislation that prohibits all forms of sexual abuse, exploitation and harassment including physical and non-physical forms in all settings against both boys and girls
3. # of States that have ratified the UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
4. # of States that have ratified ILO Convention 182 on the Worst Forms of Child Labour
5. # of States that prevent and protect children from exploitation in brothels, dance bars and restaurants and similar establishments
6. # of telecommunications services in each country that have adopted and enforce a Code of Conduct

#### 7. # of travel and tourism industries in each country that have adopted and enforce a code of Conduct"<sup>258</sup>

SACG: The South Asia Coordinating Group on Action against Violence against Children is an inter-agency group consisting of United Nations agencies, international NGOs and other actors collaborating at the regional level to coordinate activities in the area violence against women and children. Established in 2004 following the Yokohama Global Commitment, and initially known as the South Asia Coordinating Group against Commercial Sexual Exploitation and Trafficking of Children and Women in South Asia, SACG was chosen to provide technical and financial support first to the South Asia Forum (SAF) and later to SAIEVAC, and promote government, civil society and youth cooperation to end violence against children.<sup>259</sup> The current role of SAGC is to assist SAIEVAC in implementing its work-plan, advocating for an end to violence in the region, building a knowledge base and strengthening SAIEVAC's regional monitoring of violence issues in South Asia. It is worth noting that ECPAT International, a founding member of the SAGC, has actively contributed to the creation and functioning of this network and also chaired it in the past, as well as working closely with SAIEVAC.

*Bilateral and multilateral cooperation:* In addition to adhering to child protection regional mechanisms, South Asia's national governments have sought to enhance bilateral and multilateral cooperation – particularly in the sphere of trafficking in human beings. Although lacking a child focus, interesting examples are the quadrilateral anti-trafficking working group involving Greece, Iran, Pakistan and Turkey, and the trilateral group enlisting the membership of Pakistan, the UK and the United Arab

Emirates (UAE).<sup>260</sup> Bilateral agreements regarding cross-border child trafficking have been signed to facilitate safe repatriation. The governments of Bangladesh and India have drafted a plan of action to strengthen and expedite the rescue-to-reintegration process for trafficked children.<sup>261</sup> Also, the government of Bangladesh signed a bilateral agreement with the UAE to repatriate and rehabilitate boys trafficked to the UAE as camel jockeys, who, in addition to suffering maltreatment and neglect, are also economically and sexually exploited.<sup>262</sup>

*UN agencies and civil society organisations:* UN agencies and civil society organisations have actively fostered regional cooperation against trafficking of women and children by creating specialised networks and implementing joint initiatives and projects. The Cross Border Anti-Trafficking Network (CBATN) is a South Asian regional coalition of NGOs established in 2004 (with representation from ECPAT member groups) to foster coordination and cooperation among South Asian countries to combat human trafficking in the region. CBATN is currently operational in Bangladesh, India and Nepal. It works mainly in the areas of prevention, prosecution and protection. In the prevention area, the coalition focuses on preventing cross-border and interstate trafficking in women and children, focusing on transit points, transport hubs and villages along the Indo-Nepali border. Regarding prosecution, CBATN is involved in building the capacities of public and private prosecutors to address issues related to cross-border human trafficking. In the protection realm, the coalition actively promotes programmes that contribute to safeguarding the rights of survivors of human trafficking at state, national and regional levels, especially with regard to prosecuting offenders.<sup>263</sup>

Another anti-trafficking network is Action against Trafficking and Sexual Exploitation of Children (ATSEC), comprised of NGOs from Bangladesh,

India, Nepal, Pakistan and Sri Lanka and is engaged in extending cooperation, mainly on cross-border activities, to facilitate advocacy, research and social mobilisation. Founded in 1998, ATSEC India, one of the pioneering initiatives against trafficking of children and women, has a membership of 541 NGOs and CBOs active in 25 state chapters. The South Asia Forum against Human Trafficking was created with UNIFEM support and in partnership with governments of the region, UNICEF, ILO, the US Agency for International Development and US State Department, NGOs and professionals. The Forum facilitates and supports activities of national, regional and local networks, including exchange of information and experiences.<sup>264</sup>

Several joint initiatives and projects have been initiated by UN agencies, international organisations and NGOs, mainly emphasising trafficking in persons. For example, in March 2010, UNODC, in association with ATSEC India, held the first regional workshop on “International Cooperation in Trafficking in Persons/Smuggling of Migrants Cases” in Kolkata,<sup>265</sup> gathering representatives from the executive and judiciary sectors from Bangladesh, Bhutan, India, the Maldives, Nepal and Sri Lanka, as well as representatives from UN agencies and CSOs.<sup>266</sup> UNODC and UNIFEM jointly conducted a legal and policy review of activities underway to curb human trafficking in India, Nepal, Bangladesh and Sri Lanka to assess gaps in legislation, policy and institutional responses.<sup>267</sup>

A regional training workshop attended by representatives from Afghanistan, Bangladesh, Bhutan, Maldives, Pakistan and Sri Lanka was held in Dhaka, Bangladesh, in October 2010, involving children and young people and addressing issues pertaining to child protection, child trafficking, international and regional instruments and victim assistance.<sup>268</sup> A consortium of Terre des Hommes organisations implemented the EU-funded project, “Developing a rights-based approach for anti-

trafficking actions in South Asia” in Bangladesh, India and Nepal between 2006 and 2009.<sup>269</sup> The project carried out a comparative analysis of anti-trafficking legislation, as well as advocacy, awareness-raising and victim protection activities aimed at harmonising and improving existing legal frameworks.<sup>270</sup> ECPAT groups in the region have also implemented regional projects and joint activities, including the Youth Partnership Project (see sub-section on “Child and Youth Participation”).

Important regional platforms are also aimed at enhancing child participation. ECPAT’s global and local governance system relies on the contribution of children. The ECPAT International Child and Youth Advisory Committee (EICYAC) is formed by dedicated young people elected from all over the world to contribute to averting commercial sexual exploitation of children. Nominated by ECPAT network organisations, EICYAC’s members are young activists engaged in mobilising peers both at the local and regional levels to generate public awareness and encourage action against sexual abuse and exploitation of children. They promote child participation in ECPAT’s programme and policy-related activities, coordinate regional and international campaigns against CSEC and facilitate communication between children and youth fighting CSEC and the ECPAT global network.

#### **ECPAT South Asia Regional Meeting on online sexual exploitation of children**

This two-day regional technical forum on online sexual exploitation of children, held in Kathmandu, Nepal, in August 2010 provided a unique opportunity to strengthen regional, bilateral and multilateral cooperation against an emerging element of CSEC.

Organised by ECPAT International, in association with the Office of the Controller of Certification, Ministry of Science and Technology of the Government of Nepal, and with the support of ECPAT member groups, the forum gathered over 40 participants from Bangladesh, India, Nepal and Pakistan, representing civil society organisations, international agencies, the private sector and members of ministries of the government of Nepal.

During the two days, participants deliberated on how to develop a comprehensive framework and multi-sector action plan to ensure child protection from exploitation on the Internet and other information and communication technologies. Government and law enforcement officials, NGOs and the private sector proposed targeted measures to support and monitor efforts aimed to strengthen the protection of children from becoming online targets of abuse, violence and exploitation.<sup>271</sup>

#### **Areas of Concern**

- Considering that limited progress has been made so far in developing bilateral agreements among neighbouring countries to address issues relating to prevention, care, reunification and rehabilitation of child victims, it would be important to establish and strengthen national focal points in each country to ensure consistent collaboration on cross-border anti-trafficking activities.
- Sharing of experiences and lessons learned from CSEC-related work in the region is weak. Information exchange at police and judicial levels with regard to CSEC-based crimes is also minimal. Systems have yet to be established to facilitate information-sharing about child sex offenders among South Asian countries.

- Most regional and international cooperation efforts have revolved around human and child trafficking, while initiatives to improve prevention, detection, investigation, prosecution and punishment of persons involved in new forms of child sexual exploitation (especially in the online environment and in connection with tourism) have not received adequate government attention. Considering the global nature of these crimes, it is essential to share information with countries outside the region that are at the forefront of the fight against emerging manifestations of CSEC, in addition to exchanging knowledge with specialised global, regional and national law enforcement agencies, such as Interpol, Europol, the Virtual Global Task Force and the Child Exploitation Online Centre.

## Action Areas

### Strengthening collaboration and partnerships at regional level

- Given that the ECPAT International Secretariat and ECPAT groups in the region have played a crucial role in advancing the CSEC agenda within the SAIEVAC and SAGC platforms, it would be mutually beneficial to further collaboration on the basis of the programmatic links between the current SAIEVAC work-plan and ECPAT's priorities. More opportunities should be sought to implement joint initiatives and exchange good practices in the region and internationally, especially in the areas of child sex tourism and sexual exploitation of children through ICTs.
- ECPAT groups in the region should try to align their anti-CSEC work with SAIEVAC's work plan. ECPAT might consider organising a regional meeting, in collaboration with SAIEVAC, to review progress toward implementation of SAIEVAC's work plan and the Rio Declaration. In addition to providing a platform for enhanced cooperation among governments, donors, UN agencies, children's organisations and the private sector, the meeting could also be an occasion to plan for a global event to be held in 2016 to celebrate the 20th anniversary of the Stockholm Congress.
- In line with SAIEVAC's workplan, ECPAT groups should play a leading role in fostering the adoption and implementation of codes of conduct for the ICT and tourism industries, based on successful experience by ECPAT groups from South Asia and other regions (e.g., EQUATIONS in India and members in Europe and the Americas), with the objective of planning joint activities to further promote the Code.
- Collaboration between ECPAT member organisations in South Asia and groups supporting development cooperation projects (e.g., France, Luxembourg, Netherlands) should be expanded through joint projects involving several countries in the region. Such initiatives should focus on specific areas of concern identified by the groups; in particular, SECO and sexual exploitation of boys. Activities could include research, awareness-raising, training and exchange of good practices.
- With support from the Secretariat, ECPAT groups in the region should enhance their advocacy work to ensure safe repatriation by child survivors of sex trafficking based on the procedures developed by SAARC's Regional Task Force on the implementation of SAARC Convention on trafficking (see sub-section on "Legal Framework")
- In the area of online child safety, regional ECPAT groups should consider participating in international conferences, such as the Internet Governance Forum, to learn from other experiences and contribute to their learning.

## 3.2. STRENGTHENING CHILD PROTECTION MECHANISMS

### PREVENTION <sup>272</sup>

Prevention should be regarded as the backbone of ECPAT's strategy. When sexual victimisation has occurred, assisting the survivor is a demanding and costly process. Moreover, the scope for full and complete recovery may be constrained by several individual and social factors. Investing in prevention, instead, is a more effective and sustainable solution, averting the offence from taking place before a child is harmed. While helping victimised children recover and resume a dignified and fulfilling life IS an overarching ECPAT priority, it is appropriate to continue to focus on preventive measures to avoid future harm. Although this document discusses preventive and rehabilitative measures separately, for reasons of clarity, in reality a combination of preventive and curative steps are required in accordance with the situation.

#### Support mechanisms for children at risk of sexual exploitation and vulnerability reduction strategies

A number of long-term prevention strategies have been adopted to reduce the likelihood that vulnerable children become victims of CSEC.

- Victim empowerment programmes have been held to assist at-risk children and support survivors by providing vocational and life-skills training, formal and non-formal education and employment opportunities.
- Outreach programmes have been carried out to identify vulnerable children in key locations and create community-based committees to monitor, report and follow up on child rights violations, including child trafficking and other manifestations of CSEC. Such mechanisms have proved very effective in linking vulnerable groups with government and non-government agencies

at the local level, to prevent and respond to exploitation of women and children. Successful examples of such strategies are the Paralegal Committees in Nepal,<sup>273</sup> the Community Care Committees against Trafficking active in Bangladesh and the Community Vigilance Groups mobilised in India.

- Social welfare programmes for at-risk children and social protection schemes have been implemented to address the needs of vulnerable families. Such programmes, underway in all South Asian countries, focus on education and health, frequently providing stipends, scholarships or vouchers to enable children, especially girls, to continue their education. A number of social protection programmes have also been initiated to address poverty and improve livelihoods, and enhance food and asset security in poor households. In addition, conditional cash transfer programmes are becoming increasingly popular in the region and are underway in some countries.<sup>274</sup>
- Initiatives to improve birth registration systems were launched in Bangladesh, Bhutan and Sri Lanka and Bangladesh.

#### Awareness Raising, Education and Training

- Sensitisation, training and educational activities relating to CSEC have recently intensified throughout the South Asia region catering to different stakeholder groups, including vulnerable and exploited children, parents, caregivers, educators, government officials, communities, religious leaders, policy-makers, the media and the general public.<sup>275</sup> Initiatives have ranged from national public campaigns, community-level awareness seminars and street theatre, to production/dissemination of information and communication material (T-shirts, posters, comic strips for children, handbooks), interactions with the media (e.g., radio and television announcements) and capacity development workshops. A review of efforts underway to

prevent CSEC through awareness-generation and education offers insight into achievements as well as persisting gaps.

- Great emphasis has been placed on human trafficking, and to a lesser extent on child sex trafficking (as in, for example, the ECPAT-The Body Shop “Stop Sex Trafficking in Children and Young People” campaign mobilised in India and Pakistan). Countries where initial efforts were made to sensitise children and young people, teachers, parents and other actors on child safety online and potential risks faced by children in cyberspace include India (e.g., “Indian Child” website dedicated to internet safety and “India’s Fight Against Online Pornography” website aimed mainly at educating parents about the threats of online pornography), Nepal (e.g., CWIN’s campaign on protecting children online) and Pakistan (e.g., awareness-raising activities organized by Pakistan Paediatric Association PPA).
- With regard to child sexual abuse and exploitation by travelling offenders, a good, yet outdated, example is the two-year campaign ‘Zero Tolerance for Child Sex Tourism’ launched in 2006 by UNICEF and the Sri Lanka Tourist Board. The campaign targeted tourists through in-flight resources and used mass media to promote available resources to report cases of child sex tourism.<sup>276</sup> In India, successful campaigning and training to promote child safe and sustainable tourism has been conducted by EQUATIONS (see below).
- Sensitisation campaigns and other information activities were conducted to prevent child marriage in Bangladesh, India and Pakistan, although it is unclear whether they also addressed the linkage between this harmful practice and CSEC.
- Providing information on CSEC in schools is an important preventive strategy, which allows children and young people to acquire knowledge and skills to protect themselves from sexual exploitation and make informed decisions about their lives. Yet, most countries in South Asia have yet to acknowledge the importance of incorporating education on children’s rights, including the right to be protected from sexual exploitation, in school curricula. A good practice worth mentioning is Bangladesh where, in 2010, the government and organisations working in the education sector endorsed a draft primary education curriculum on combating human trafficking. Age-appropriate teaching modules were prepared for inclusion in textbooks for grades one to five.
- In some countries the media have engaged in raising awareness about CSEC and supporting ethical reporting of abuses. For example, in Bangladesh, a Journalists’ Forum on Human Trafficking was organised by a group of NGOs to sensitise journalists, mostly newspaper reporters, on issues regarding child rights, sexual abuse, exploitation and trafficking. In Pakistan, where the issue of CSEC is particularly sensitive, the Media-Civil Society Interface, an initiative of Journalists for Democracy and Human Rights, advocates with journalists on the importance of reporting on sexual abuse and exploitation.
- Children and young people in the region have meaningfully engaged to inform their peers and other target groups (such as teachers and personnel of government-run shelter homes) about the need to enhance child protection from sexual exploitation. A good practice is the Youth Partnership Project (YPP) implemented by ECPAT International and local partners in Bangladesh, India and Nepal, which involved several youth-led sensitisation initiatives (see sub-section on “Child and Youth Participation”).<sup>277</sup>
- A number of awareness-generation training workshops on issues tied to CSEC were organised, targeting mainly officials (police officers, judges, social workers and other professionals working with child survivors),

the media and local communities, children and young people and the private sector (see sub-sections on “Legal Framework” and “Child and Youth Participation” ). For example, in Pakistan, seminars were conducted in all provincial capitals on the issue of child exposure to pornography targeting Internet service providers, Internet café owners and media personnel. In Sri Lanka, a 2011 training programme organised by PEaCE, an ECPAT member organisation, reached 1,000 participants from across the country, including social workers, CSO members, police officers, teachers and government officials.<sup>278</sup>

### Access Blocking, Codes of Conduct and Other Initiatives Involving the Private Sector

- Although sexual exploitation through ICTs increasingly affects South Asian children, only a few countries have begun to engage in counteracting and preventing the use of children for production of abusive materials and their involvement in other risky online behaviours. Currently there are no specialised hotlines to report incidents of this kind throughout the region. In India, the website “Indian Child” provides information about how to report sexually explicit materials, particularly with reference to the cybercrime cells that operate in the country. India has also taken steps to block access to sexually explicit websites, while in Sri Lanka, the National Child Protection Authority and Dialog GSM announced in October 2008 the signing of a Memorandum of Understanding to restrict access to websites that carry child sexual abuse content through mobile phones.<sup>279</sup> Sri Lanka has also legislated to stop financial transactions relating to child abuse materials (see sub-section on “Legal Framework”). Another important initiative is the Code of Conduct for Internet cafés adopted by the Pakistan Telecommunication Authority (PTA), which forbids the use of cyber café services by children under 12 years and requires owners to

ensure that children do not access pornography. The PTA has issued public warnings to Internet café owners and blocked more than 10,000 pornographic websites.

- No hotlines are available to report incidents of sexual exploitation committed by travelling sex offenders. The most important self-regulation tool in this arena, the *Code of Conduct for the Protection of Children Sexual Exploitation in Travel and Tourism* (The Code), has only been adopted by India and Pakistan. In India, activities to ensure Code implementation – including training workshops for representatives of the tourism industry, NGOs and governmental institutions – were conducted in recent years, especially at the initiative of the Kuoni Group and ECPAT’s affiliate EQUATIONS. In addition to this tool, in July 2010, India’s Ministry of Tourism launched a *Code of Conduct for Safe and Honourable Tourism*.<sup>280</sup> The Ministry also engaged with the partners that had helped design the Code to develop training materials and build the capacity of tour operators and tourism employees in advance of the Commonwealth Games, held in New Delhi in October 2010. It is worth noting that the Code contains a provision requiring hotels in India to supervise Internet and TV usage by guests and block access to child pornography websites and TV channels.<sup>281</sup>
- Codes of conduct have also been adopted to prevent sensationalist approaches to media reporting on child sexual abuse and exploitation. In Pakistan, for example, the local NGO Sahil developed a code of ethics for reporting on child sexual abuse and promoted it among newspaper editors and journalists. Furthermore, the National Commission for Child Welfare and Development designed and disseminated a Code of Ethics for Media on Reporting of Children’s Issues, focusing on reporting of incidents of sexual violence. In Bangladesh, the Journalists’ Forum on Human Trafficking adopted a code of conduct for ethical reporting of trafficking cases.

## Areas of Concern

Although the preventive initiatives under implementation have set the tone for strategies that deserve to be continued and, in fact, strengthened in the future, a number of shortcomings and constraints must be considered.

- Governments have yet to prioritise CSEC prevention in national policy and programming. As a result, implementation of existing initiatives remains mainly the prerogative of NGOs, UN agencies and other non-government actors.
- Although some governments in the region are now acknowledging that ICTs are exposing children to unprecedented threats, overall, there is limited understanding of SECO and the urgent need to identify ways to prevent and report child pornography, protect children from online risks and prosecute perpetrators.
- Private sector involvement is still scanty, especially in preventing and counteracting the sexual exploitation of children through ICTs and by travelling sex offenders. There is a pressing need for the private sector to collaborate with NGOs and government tourism and other departments to ensure the adoption, implementation and monitoring of self-regulatory tools, such as The Code.
- Information on CSEC is not systematically spread among young people, which could be addressed by integrating these concerns in primary and secondary school curricula and spreading information in other key locations where vulnerable children can be found, such as local communities, streets, child care institutions, brothel areas or refugee camps.
- Training of relevant professional groups, especially police personnel, judges, prosecutors, media representatives and social workers, on issues pertaining to CSEC remains grossly inadequate. Despite the existence of social welfare programmes for vulnerable children and

social protection schemes to address the needs of their families, it has not been sufficiently assessed whether such initiatives effectively reach children at risk or subjected to CSEC and contribute to reducing their vulnerability.

- Traditional behaviours and practices leading to CSEC, such as child marriage, are still widespread as a result of ineffective ownership and commitment by social actors.
- Efforts to prevent CSEC have not been sufficiently sustained, and evaluations of their effectiveness are not adequately reflected in subsequent programming. Good practices for replication are yet to be identified and shared.
- There is a general dearth of initiatives aimed to prevent and counteract the demand for sex with children by locals and foreign offenders. Also, although ECPAT groups and other actors have been active in educating and sensitising the public on CSEC, analytical research to further understand recent evolving forms of CSEC is broadly missing.

## Action Areas

Prevention strategies must be adopted to protect children from the numerous risks associated with CSEC. ECPAT groups, in collaboration with other NGOs, governments, regional networks, the private sector, children and young people can engage in joint efforts to strengthen safety net mechanisms in the region. In this respect, a number of preventive actions might be considered in devising programmatic responses to the multiple manifestations of CSEC.

### Action Area 1: Preventing the abusive use of ICTs and identifying new ways of employing them as effective tools to protect children

Preventive action in the area of SECO will focus on how to make ICTs safe and, further, serve as effective shields for child protection. Such action is critical both to protecting the vast number of young

ICT users from victimisation and to avoid the re-victimisation of children who have already suffered sexual abuse and exploitation online.

- **Engaging Internet web search engines and service providers to protect children on the Net**

- *ECPAT and its partners should promote self-regulation in the ICT sector and seek the cooperation of influential private sector players that dominate the global Internet business to concertedly address evolving forms of sexual child abuse that rely on the Web, such as online streaming of real-time child sexual abuses and several others in constant evolution. They should work with the private sector (ISPs, telephone companies, social networks) to develop systems to block access to child pornography and to financial transactions relating to the purchasing of illegal material.*
- *As sex crime offenders are increasingly threatened by stricter legislation and prosecution, the Net still provides several unexplored opportunities for acting in anonymity and with impunity. ECPAT should advocate for legislation mandating Cloud service providers to report child pornography when they find materials being stored by their customers. New counteracting measures must be more systemic and decisive to deal with the increasingly elusive nature of emerging sexual offenses.*
- *The ECPAT Secretariat could create regional/international partnerships to enter a dialogue with major web search engines (such as Google and Yahoo), ISPs, social media companies, mobile phone providers and ICT manufacturers to enlist their support in counteracting CSEC. Lobbying and consumer pressure could appeal to notions of corporate social responsibility and ethics to elicit commitments to making Internet access safer for children. Assistance could also be sought to spread information, communication*

*and education materials across the Net. Private sector ICT companies could also contribute to identifying child abuse material, enforcing age-appropriate privacy settings and promoting the use of parental control systems. Similarly, mobile phone providers could contribute by supporting CSEC-related text message campaigns across their client networks.*

- **Making the Net safer for children** – The Internet has served as a powerful instrument in accelerating the rapid expansion of CSEC in the region. The Net has deeply changed the nature of sexual contact and, subsequently, sexual violations. It has created the notion of virtual sex, or sex without contact. High connectivity, matched to the idea of doing away with the need for a physical encounter, has accelerated the opportunity for sexual contact at electronic speed. “Non-contact” sexual abuse is to be distinguished from “contact” sexual abuse with regard to physical conduct involving children. According to UNODC, “Contact sexual abuse generically refers to in-person sexual contact of a harmful nature, while non-contact sexual abuse denotes acts where the perpetrator does not come into physical contact with a child, such as in the case of possession, distribution or consumption of child sexual abuse material.”<sup>282</sup> The Internet has multiplied channels for “non-contact” sexual abuse, by facilitating virtual contacts by abusers with child victims, access to child pornographic materials, the proliferation of sex tourism destinations and abusive communication via webcam. “Non-contact” sexual abuse through the Internet can, in turn, open channels for “contact” sexual abuse and exploitation when it facilitates encounters between traffickers, travellers, tourists, paedophiles and other potential predators with children who may be enticed through initial online contact.

The Internet, however, also holds a huge, unexplored potential to serve as a tool to protect children and empower them to keep safe. While continuing to support the development and enforcement of legal frameworks to control the indiscriminate use of the Net and sustaining the blocking of abusive websites, ECPAT could lead a process aimed to make the use of the Internet safer and develop tools to turn information and communication technologies to the advantage of children.

- *As a first step, efforts should be made to spread information on child safe Internet use, by educating parents and children, from the time they start surfing the Net, on the risks of cyber-enticement, grooming, sexting and other dangers lurking in cyberworld. ECPAT could promote the provision of information and practical instruments to families and young cyber users to defend themselves, making available online safety guides and involving schools in spreading education to prevent online sexual solicitation. Parental approval for accessing websites should be included in the list of the safety rules that children must follow at home and school. Young people should be taught to protect their privacy and report situations that appear unusual. ECPAT could promote activities to educate parents, teachers, librarians, Internet café owners and other adults who provide children with access to the Net on how to refrain from misusing the Web and to improve child safety. Similar measures could be taken in protecting children from the offensive use of mobile phones, to alert them about unsolicited messages and calls from unknown persons.*
- *Parents and educators should also receive guidance on how to use ISPs' free parental controls that can limit children's access to websites and e-mail, or access safe-surfing options available in browsers, which can filter out language, sex and violence. In addition to precautions for families, education institutions*

*and commercial establishments that make the Net available to children, child safety online software products should be promoted and their use ensured in all potentially risky situations. ECPAT could facilitate the spread of information on the availability of such packages, including those accessible online, and help monitor behavioural change in adopting new safety measures.*

- *The Internet could also be relied upon to launch public information campaigns and report the presence of threats in certain areas. While publishing content and circulating it on printed media may be expensive and beyond the reach of ECPAT, government and other partners, online publicity campaigns through social networking services are accessible and affordable, even on a limited communication budget. Text messages can also be disseminated inexpensively through mobile phones to inform on themes pertaining to CSEC. Anti-CSEC campaigns would effectively involve simultaneously the Internet, mass-media (especially TV and radio) and mobile phones, and could be reinforced by posters in airports, train stations and other major transit places.*
- **Turning ICTs into child protection mechanisms**
  - In addition to sustaining the development of protective measures, ECPAT could offer leadership in using the Internet to enhance child protection and safety.
  - *Dedicated websites could be developed in the region and in local contexts focusing on education and information on CSEC-related issues, to raise awareness about risk and provide tools for children and families to keep safe.*
  - *Anti-CSEC websites could be networked through a common portal facilitated by ECPAT and its partners to provide a web of online information, communication and training tools. Websites linked through a common portal could also serve as e-libraries for*

storing resource materials downloadable by schools and individuals. Links could be established with other relevant websites active in the region, to help circulate reliable information rapidly and widely.

- ECPAT could also provide technical support in developing specialised online content in child-friendly formats, such as short videos, cartoons, songs or stories and circulate it through social networks popular among children and adolescents. Alert messages could be developed to spread virally through social media. Blogs could also be prepared and maintained to allow information and ideas to circulate among children and adults. Young Internet users would provide a dynamic engine to disseminate the material among peers. The content would include information about different forms of CSEC prevalent locally, ways to detect dangers and keep safe and channels for reporting. Select short text messages could also be propagated simultaneously through mobile phones.
- Evidence shows that young people on the move, and those who support them, use ICTs as tools for communicating and connecting with family and friends, to collect information and to access services. Programme design should take into consideration the different levels of access to ITCs enjoyed by migrating children and include strategies to employ various ITCs channels to protect children at the place of origin, while in transit and at destination.<sup>283</sup>
- ECPAT could further promote a dialogue addressing negative social and sexual norms, in particular challenging the growing sexualisation of children and youth in advertising and media. Web-based discussion lists can help circulate ideas on societal changes that seem to condone and legitimise sexual practices and behaviours involving children.
- TV and radio programmes could be used effectively to portray positive cultural models of marriage, family life and gender roles, and to influence social norms and worldviews. Serial, soap opera and fiction features could adopt a storyline that condemns negative practices, such as early marriage or unsafe migration, and promotes safe and caring behaviours, such as sending girls to school, avoiding early marriage, keeping children away from child labour, averting indiscriminate use of the Internet and mobile phones and valuing the girl child at home and in society.
- Non-fiction informative and educational TV programmes could further help audiences deepen their understanding of CSEC-related problems and sensitise them to strengthening child safety. Public TV networks, as well as commercial ones, could be encouraged to include child protection and CSEC-related issues in the themes they address. Messages, to be effective, should be location-specific and relate to problems relevant to different audiences. They should also be repeated frequently. Reiteration of the same content, ideally through different media, would help reinforce the message more effectively than a variety of different messages.<sup>284</sup>
- ***Educating and raising awareness on the safe use of ICTs*** – Jointly with its partners, ECPAT should continue educating and raising awareness about the risks of ICTs and their connection to online child pornography, trafficking and child prostitution. Teachers should be helped to understand the cyberworld in which their students socialise. Teachers and other professionals who work with children should be supported to guide and empower children to navigate the Web safely, as well as to identify and report abuse. Children could be trained to contribute to spreading information through peer-to-peer personal communication as well as online, via messages tailored according to gender and age.

- **Turning children from victims to empowered ICTs users** – Children and youth who have been involved in CSEC-related issues should be regarded as valuable resources for most web-based activities.

- *They can help develop web content and design and run youth-friendly, interactive multimedia websites, as well as manage social networks, circulating age-appropriate material developed in association with adult specialists. They can also mount campaigns through mobile phones. Young people can be empowered to use the Internet as a tool to connect with peers and spread information and alerts, rather than being victimised by ICTs.*
- Children should be informed and educated on the safe use of the Internet, without censoring their freedom to explore and communicate. Young cybersavers should be empowered and helped to develop resilience, in accordance with their age. They should also be educated on appropriate online behaviour to prevent them from using the Internet to harass or bully peers; produce, post, download or exchange abusive materials; or commit any form of cybercrime.

## **Action Area 2: Strengthening child protection mechanisms in communities**

- ECPAT groups already active in a wide variety of community-level efforts could engage with the ECPAT Secretariat to develop a comprehensive, multi-sectoral local child protection mechanism. The mechanism would serve as a model for the creation of community-wide child safety nets that encourage children to remain within existing protective environments, rather than being exposed to sexual abuse, exploitation and violence. A joint programme design exercise could be carried out, aiming to create a *community* model, utilising resources available locally, to effectively protect children from CSEC. The mechanism, based on a human rights-

based approach, would include guidelines for mobilising core duty-bearers (e.g., local government institutions, service providers from relevant sectors, community members and families, children’s groups) to survey the under-18 population and establish local systems to avert risky behaviours. The local child protection mechanism should be incorporated into existing child protection programmes, such as, for example, the Village/Ward Child Protection Committee established by India’s Integrated Child Protection Scheme. These efforts would involve engaging governments in child protection and anchoring CSEC programmes to formal government systems.

Children’s groups would serve as a vital component of the new child protection mechanisms, through which they can permanently access adult counterparts and put forward proposals and claims. Such a programme framework would require systematic duty-bearer mapping, to analyse and clearly identify social roles and institutional responsibilities assigned to different stakeholders within a given administrative unit mandated to protect children from sexual and other forms of violence. This type of programme design could be adopted by ECPAT member groups and be promoted among other organisations as well.

- The local child protection mechanism would focus on guarding the gateways through which children normally separate from their primary protective environments, i.e., the family and the school. Priority activities would aim to stop early marriage, prevent school dropout, ensure birth and marriage registration, issue identity documentation, oppose the dowry system and regularly monitor movements of children outside the locality. While all children would come under the purview of the local safety net, special attention would be paid to the most vulnerable groups (such as, low-income and landless households, single-parent or dysfunctional families, families with several girl children).

- The mechanism should link effectively to existing services and ensure that schools, health facilities, child development centres and the police carry out a set of agreed-upon activities to prevent any form of child abuse and exploitation from occurring in the community.
- Existing government programmes can be influenced to adopt protective measures to serve the child protection agenda framed locally. NGO efforts underway in communities can be incorporated into the local child protection agenda.
- Traditional child protection systems adopted by families and communities would be strengthened and linked to programming efforts to ensure that the local child safety net reaches beyond the home, to schools, law enforcement agencies and other local social and public institutions serving children.
- Vertically, the local child protection mechanism can play a referral role vis-à-vis the next institutional level of the public administration, service provision, law enforcement agencies and the judiciary.
- Such a programmatic approach would lead to weaving a safety net at the local level, from which children are normally recruited, merging all existing resources into a unifying, coherent multisectoral design, where social resources (the family and the community) and government programmes and services (schools, health centres, etc.) can be pooled to jointly respond to the complexity of CSEC-related threats.

### **Action Area 3: Promoting universal education up to secondary level and stopping early marriage**

ECPAT is actively engaged in combating child, early and forced marriage because of its multiple implications with CSEC. In 2013 ECPAT submitted a report to the Office of the United Nations High Commissioner for Human Rights to stress the links between CEFM and CSEC in Africa, South and Southeast Asia, the Middle East and Latin America. ECPAT Network members are actively promoting the

signing and ratification of regional covenants, such as the *Convention on Preventing and Combating Trafficking in Women and Children in Prostitution* and the *Convention on Promotion of Child Welfare*.

ECPAT also partners with SAIEVAC, a regional mechanism that has prioritised the fight against child marriage as a harmful tradition, and organised a regional consultation with representatives of SAARC member governments, CSOs and children, in September 2013 in Thimphu, Bhutan, to formulate a regional action plan to address this issue in South Asia.

ECPAT has resolved to step up its fight against CEFM and formally pledged a number of specific commitments at the 'Girl Summit 2014: A Future Free from FGM and Child and Forced Marriage':

- By end-2015, ECPAT, in collaboration with major international NGOs, UN agencies and civil society networks, will lead efforts to reach an agreed-upon definition of situations of child marriage that constitute commercial sexual exploitation of girls.
- By mid-2015, ECPAT will complete a high quality research paper on how CEFM can lead to the sexual exploitation of girl victims of such marriages through prostitution, pornography and/or trafficking.
- By mid-2015, all member organisations of the ECPAT network in 75 countries will be informed, supported and encouraged to raise awareness on CEFM through local and national efforts.
- By early-2015, all member organisations of the ECPAT network dealing directly with victims of CEFM will be encouraged to consult with victims in order to bring their voices into the formulation of legislation and action.
- Throughout 2015, ECPAT will raise awareness on CEFM through social media, using all of its available channels, including Facebook and Twitter.<sup>285</sup>

Action to curb CEFM should be linked to more determined efforts to keep children in school, as a way to strengthen child safety nets in communities.

- **Promote universal inclusive education at primary and secondary levels especially for girls**

- Promotion of universal, inclusive education should be expanded beyond the primary level to include a call for all children, especially girls, to remain in school up to the legal age of marriage. Child-friendly school environments should be developed to ensure that schools provide safe spaces within the community, to keep students away from early marriage, exploitative labour, trafficking and other forms of exposure to CSEC risks.

Enrolment and dropout prevention should be a primary responsibility of the school system, to ensure that, through regular school attendance, children complete their education and, at the same time, are protected against exploitation and abuse. Local governments and young people's groups can support teachers and school authorities by following up, especially with at-risk children.

Financial assistance to pursue secondary education needs to be provided to students, particularly girls from poor families, in exchange for a commitment by parents to refrain from marrying their children before they come of age and to protect them from harm. Most national governments in the region provide scholarships to sustain girls' education. The availability of financial support, however, is not universal, fails to address opportunity costs connected with education and is normally not linked to preventing early marriage. An interesting example can be drawn from Tamil Nadu in India, with its provision of financial 'marriage assistance' to girls over 18 years of age who have attained higher education.<sup>286</sup> A more recent, similar scheme, *Kanyashree Prakalpa*, was initiated in West Bengal, India, to provide financial assistance to school-going girls to discourage them from early marriage.

- **Converging action relating to the elimination of early marriage in public health, nutrition, education and child protection programmes** – Early marriage impacts negatively on a range of health, nutrition, education and

child protection outcomes. Rather than being approached as an independent issue through ad hoc initiatives, CEFM should be addressed from a multi-sectoral perspective through ongoing programmes targeting children. Existing policies and programmes need to be reviewed to build in a convergent response to child marriage that takes into consideration the various dimensions of child wellbeing. Sri Lanka has undertaken an innovative effort that attempts to integrate interventions to reduce child marriage into national health and education policies.<sup>287</sup>

- Schools and health services should incorporate the issue of child marriage in their regular programmes. Teachers should involve children in reflecting on the practice of child marriage. They should also assist and support students to remain in school as long as possible, paying special attention to regular attendance by unmarried and married girls.
- Health education should teach about the danger of marrying before achieving full physical and sexual development, and the harm that pregnancy can cause to the health and nutritional status of the adolescent mother and her child. Reproductive and sexual health, prevention of HIV/AIDS and other sexually transmitted diseases and life skills programmes should specifically cater to adolescent girls and boys, in particular those who are already married and planning to have children.
- Young parents need to be assisted in caring for their children, with child spacing and child health programmes, nutrition support and childcare services. They should further be given priority in accessing livelihood schemes and vocational training opportunities.
- **Engaging with primary stakeholders in the family and the community** – Although child marriage is outlawed across the region, national policy and legislation are often trumped by deep-rooted cultural and religious norms and customary law.<sup>288</sup> Along with strengthening legal and information systems, therefore, it is vital

- to bring about social and cultural change by jointly involving actors from local government institutions and the community, helping converge efforts by different stakeholders to achieve sustained changes in beliefs, attitudes and practices.
- Decisions about withdrawing a child from school for purposes of marriage take place within the purview of the family. Parents and relatives who traditionally hold the responsibility for keeping traditions alive need to be engaged with. Ultimately, only their appreciation of the implications of school dropout and early marriage for the life of children, families and communities can lead to questioning established customs and breaking the vicious cycle of low education/early marriage/sexual violence/poverty. Supporting parents willing to postpone the age of their child's marriage would help to create positive models, with potentially groundbreaking impact. Ensuring that, in particular, male family members are involved is crucial in shaping decision-making processes in favour not only of girls, but also boy children.

In addition to families, it is important to sensitise influential persons in the community, in particular, elders, parents-in-law and religious leaders, seeking to turn them into champions who are able to influence public views. Local opinion leaders can guide families to make choices that protect their children, in harmony with cultural norms, and prevent potential resentment from community members who may feel threatened and perceive that their worldviews are being challenged.

Rural villages and urban neighbourhoods in the region can collectively raise a unified voice against child marriage and take public pledges to declare themselves “child marriage-free communities” where all children go to school and delay their age of marriage to at least 18 years.

- ***Empowering girls and boys to articulate their aspirations and supporting them in influencing decisions being made on their lives*** – In the region, decisions relating to the future of a child are primarily made by fathers, in consultation with mothers and elderly family members in the context of the wider community. Children, especially girls, are not expected to have an independent say in determining the time of marriage, the choice of their bridegroom or their educational prospects.

***Evidence and practice have shown, however, that when children have clear opinions about their preferences, and know how to argue convincingly in favour of their views, they stand a better chance of influencing decisions being made for them by their parents.***

Exposing young people to positive role models that have challenged gender stereotypes and have successfully addressed masculinities would help them raise their aspirations and explore practical ways to realise their ambitions. Young people should also be prepared for adult life, including the consequences of early marriage, by equipping them to make informed decisions about their emotional, sexual and reproductive life.

Working together with adequate support young people can envision a life out of poverty and marginalisation, expanding perspectives on their future and building new capabilities. Children's groups and youth peer educators should be supported and trained to engage in intergenerational dialogues, in communities and schools, with parents, teachers, health workers and local government representatives to identify means to avert early marriage, discourage paying dowries, ensure universal completion of primary education, overcome barriers to pursuing secondary education and enforce birth and marriage registration.

- **Involving children in contrasting early marriage** – Children’s groups, which have been mushrooming in all countries of the region over recent years, provide an ideal forum for spreading information on child marriage, sexual health, children’s rights and specific legislation. These groups could be approached to raise their awareness of the importance of prolonged education, the impact that early marriage may have on their lives and to discuss the opportunities that could open up as a result of delaying the age of marriage.

In children’s groups are an appropriate venue for addressing the dilemma of making decisions that may be at odds with the expectations of their families and communities, and even with their own ideas about marriage and sexual roles. Children’s groups should be supported to provide a safe, mixed-gender space for learning how to negotiate in a non-confrontational way with adult decision-makers. They should be strengthened to act as a repository of knowledge on issues pertaining to school dropout and early marriage, as well as a peer support mechanism for members who may be confronting these issues. Equipped with information, knowledge and instruments to defend their opinions, children would gain the confidence necessary to stand by their choice.<sup>289</sup>

- **Amending legislation and strengthening law enforcement** – While all countries in the region have outlawed child marriage, gaps persist vis-à-vis international benchmarks. It is, essential that national legislation be harmonised with the principles and standards of the UN Convention on the Rights of the Child and other relevant treaties. Recommendations by bodies such as the Committee on the Rights of the Child and the Human Rights Council should be taken into consideration as a point of reference in legal and policy reform.

In parallel, efforts must be strengthened to apply existing child marriage legislation. Officials responsible for law enforcement should be empowered with knowledge, and attitudes changed, especially among those whose personal opinions on early marriage contrast with the law.

There is a need to match initiatives aimed at enforcing the law with efforts seeking to internalise gender-sensitive social norms, by setting in motion culturally appropriate social change processes within diverse communities. Punishing parents and imposing penalty charges in the absence of adequate information and awareness will only lead to aggravating the burden associated with girls’ marriage as perceived by families. Moreover, as self-initiated marriages are increasing, it may not be appropriate to hold adults responsible for all cases of child marriage. Prosecution of parties responsible for child marriage should take place in parallel with efforts at the policy, programme and community levels.

Judiciary and law enforcement officials, marriage registrars, officers appointed to implement child marriage prohibition laws, community leaders, school teachers and local government representatives should be sensitised and trained in child marriage legislation to turn them into allies in a joint effort to prevent the continuation of this practice. The local media could highlight cases of children who have been effectively protected from the scourge of child marriage by parents, marriage registrars, police, teachers and other stakeholders.

- **Elevating the visibility of child marriage** – Public education campaigns should prioritise the issue of child marriage, linked to school dropout, highlighting how it interferes with the achievement of adequate health, nutrition, protection and education outcomes for the child. Media campaigns should promote the elimination of child marriage, stressing the risks

to which children are exposed when they separate from their families. Awareness should be raised about the linkages of early marriage with sexual abuse and exploitation, violence, child labour and trafficking, abandonment, homelessness and destitution. The *Girls Not Brides* initiative has helped to enhance the visibility of child marriage-related issues. The initiative is led by a partnership of more than 350 civil society organisations from over 60 countries worldwide that are committed to ending child marriage and supporting girls to fulfil their potential; activities focus on advocacy, awareness-generation and children's participation.

In addition to awareness-raising and public education, sustainable programme and policy initiatives are needed to progressively re-orient behaviour. Information and knowledge alone may not be sufficient to change practices rooted in centuries of tradition and belief.

- **Developing evidence and analysis** –Reliable data and analysis in the critical area of child marriage is still scarce, especially in relation to the causal linkages that connect the multiple vulnerabilities affecting girls and boys who are forced into such unions. ECPAT could lead a process aimed to achieve a deeper appreciation of the extent, nature and consequences of child marriage to help inform policy and enhance investments in a programme area that has remained largely neglected. It would be crucial, in particular, to delve more deeply into the multiple consequences of child marriage, including forward and backward causal linkages with CSEC. Research should also explore new forms of child marriage, such as those initiated by children and facilitated by the use of ICTs. Overall, there is a need for gender-disaggregated data collection, which would facilitate setting gender-disaggregated objectives in policy and programming. Plan International has provided a useful lead by developing a series of programme-

oriented studies in collaboration with research institutions active in the region, to strengthen its child protection initiatives in South Asia.

#### **Action Area 4: Strengthening efforts to eradicate the dowry system and promoting birth registration**

- Concerted efforts are necessary to eradicate the dowry system linked to widespread child marriage practiced in the region. Public awareness and education efforts should be revamped to address the issue of dowry as a necessary step toward keeping children in school and delaying the age of marriage. Freeing parents from the obligation of paying a price for marrying their daughters would greatly reduce the pressure on poor families to relinquish their children as early as possible.

Initiatives should be started to progressively convert the resources meant for dowries into endowments for girls' education, thus creating an asset for the child that would benefit both her birth and marital families.

- Universal and timely birth registration is an indispensable instrument to both prevent early marriage and further primary education. It also provides a basis for identity certification, a vital means to track children who have been abducted, trafficked and are otherwise missing. Policy-makers should be encouraged to step up online birth registration systems; local initiatives could lead to raising awareness about the importance of registering babies at birth, with the involvement of service providers, especially health workers and teachers. Local government institutions are primary players since such functions are normally devolved to local bodies. Training and motivation of marriage registrars and local elected representatives, along with the establishment of child-friendly police stations, would help officials to take direct responsibility for law enforcement activities relating to marriage.

## Action Area 5: Positioning CSEC as a public health crisis

- In order to raise the profile of CSEC beyond the conventional legal and social welfare realms, ECPAT could join ongoing efforts aimed at positioning CSEC as a public health sector issue. A public health reading of CSEC could lead to identifying ways to emphasise primary prevention and early intervention through broad-based approach, overcoming a widespread tendency to intervene via stand-alone, potentially fragmented projects. Such a perspective would facilitate addressing problems in areas relating to CSEC from an epidemiological point of view, learning important lessons from prominent cases, such as the HIV/AIDS health crisis – an epidemic with a critical behavioural component.<sup>290</sup>
- From a public health viewpoint, ECPAT could advocate in favour of adopting diagnostic codes for categories pertaining to child sexual exploitation, which are yet to be classified. The development of CSEC diagnostic codes would offer an opportunity to consolidate existing data, while standardising technical definitions and professional terminology. Screening could also be utilised for CSEC cases.
- In parallel, it would be possible to contribute to developing specialised content for inclusion in in-service-training and academic curricula adopted by medical schools, nursing schools, schools of social work, law schools and other institutions that train professionals responsible for CSEC prevention and rehabilitation. This would equip practitioners with detailed standardised protocols to follow when they suspect abuse.
- ECPAT could also facilitate global and regional efforts to expand epidemiological and clinical research, in connection with its own evidence-building activities.
- Although recognising that most offenders are not paedophiles, with the help of research matched with field experience, it would be possible to help clarify how individuals suffering from paedophilia and hebephilia, both classified as diseases, can be supported to find ways to exercise their free will while refraining from harming young people.
- From a medical perspective, it would be possible to reach a scientific consensus on cost-effective treatments that promise a high degree of success with young victims. Treatment would be developed not only for child victims, but also for prospective child and adult offenders, to help them deal with sexual preference disorders. ECPAT could facilitate interactions with young sex offenders, whose sexually injurious behaviour may be the result of previous victimisation (sexual abusers are four to five times more likely to have suffered sexual abuse as children than the general population). The focus would be primarily preventive, offering confidential treatment to those prone to offending (individuals who fantasize about sex with children or have sexual preference disorders), but who have not yet abused a child. This strategy would provide an efficient response to preventing abuse, while preserving individuals from becoming abusers. Assisting children with sexual behaviour problems would help them overcome their own trauma and related disorders, while reducing the scope of re-offending. Such a treatment strategy would concurrently help in the development and adoption of curative and preventive approaches to addressing recidivism.
- ECPAT member groups could benefit both from contributing to and adopting methodologies being standardised and packaged for community-level application. These methods would provide professionals and parents with reliable protocols

through which identify, report and further refer suspected or detected abuse. Practitioners and families could also be guided in supporting and responding to disclosures. ECPAT groups could partner in efforts that might be mounted in the area of public health surveillance of CSEC prevalence, in collaboration with local communities and health services.

- ECPAT could further help local services and facilities become child-friendly, supporting certification processes for local institutions committed to preventing CSEC.

#### **Action Area 6: Establishing local vigilance and child tracking mechanisms**

- The ECPAT Secretariat should review experiences in the region that have proven successful in providing local antennae to monitor suspicious behaviour and report situations that could potentially lead to CSEC by effectively detecting and averting child trafficking, early marriages, school dropout and misuse of the Internet. The evaluation could serve as a basis for developing models for effective vigilance mechanisms (such as community vigilance committees, village surveillance groups or individual ‘watchdogs’), which ECPAT groups and other partners in the region could test out and adopt in local communities where they are engaged, starting from areas that are more at risk, such as those situated along borders where trafficking takes place, or in red-light districts.
- Although the main responsibility of protecting children lies with adults, children can act to defend themselves. ECPAT could develop modules for teaching children of different age groups how to keep safe, through education on sexual health, violence-reduction, life skills, safe use of the Internet and mobile phones. Teachers could impart safety education, in collaboration with NGOs, CSOs and children’s groups. NGOs

and young people’s groups should extend safety education to out-of-school children. Young people could use such packages to support peer-to-peer education activities or develop content for the Internet.

- ECPAT could develop the capacities of group members and their field partners in the establishment of community-level alert mechanisms, matched with child tracking methodologies, relying on the use of tablets, mobile phones and GPS technologies.
- ECPAT should promote an end to violence against girls and women. While attention on violence against women has grown, a sharper focus is needed on safety of children, girls in particular, from all forms of violence, especially sexual violence. Parents, teachers, frontline workers and local elected representatives should engage in unearthing information on various forms of violence that afflict children living in their community, finding ways to openly discuss issues pertaining to sexual violence and address them in consultation with young people. An interesting example can be drawn from Bangladesh where “Child Marriage-Free Zones” have been established by Union Parishad, local government institutions, with the mobilisation of the community and official stakeholders.

Opportunities should be multiplied for young people to come together and engage in gender-focussed discussions, to challenge gender stereotypes and set in motion local anti-violence initiatives, including addressing *eve-teasing*, bullying and other forms of violence, harassment and abuse at home and school. Local campaigns and initiatives would help to emphasise that child marriage is both an element and a perpetuating factor of gender-based violence, and is against the law.

### **Action Area 7: Extending special support to poor families and enhancing opportunities for women**

- Although poverty may be the hardest root cause to tackle, it is also at the core of several other rights violations affecting children. Targeted interventions are therefore necessary to relieve poor families from situations that prevent them from adequately protecting and educating their children, and force them to marry them young, relinquish them or introduce them to child labour. It must be ensured that cash transfers and other poverty alleviation programmes reach those who need them most. An interesting example is the *Apni Beti, Apna Dhan* (My Daughter, My Wealth) programme, implemented by the Government of India to introduce conditional cash transfers aimed specifically at delaying the age of marriage and extending girls' education. Livelihood programmes for women and girls empower them with economic resources to delay the age of marriage and become an asset for their families.
- Girls' education should be encouraged by creating avenues for women outside their traditional reproductive and homemaker roles. Work and social opportunities would orient and motivate adolescent girls' education and professional choices. Positive role models in the community would inspire and expand existing worldviews.

### **Action Area 8: Seeking a geographical focus**

- To efficiently orient policy and resource allocation, it is necessary to identify locations that are at high risk of child marriage, trafficking and child sex tourism, in order to concentrate efforts and investments where problems are most pervasive. Mapping geographical areas, along with profiling communities where trafficking and CSEC are highest, helps set priorities in

programme and financial planning to address poverty, school dropout and early marriage. In such settings, specific action should be sustained to curb ongoing illegal activities and strengthen community self-defence mechanisms.

- Children's groups can support local governments and other stakeholders in identifying and monitoring families that have a greater potential for marrying their children young. Poor households, homes with out-of-school girl children, or that have already practiced early marriage would require special follow-up, as well as programmatic and financial support. Children's groups are best placed to learn about plans being made for their peers to be married or engaged in hazardous occupations, and can intervene with their families directly, or involve local officials and elected representatives. Families may be approached and supported in making decisions in the best interests of their children and in accordance with the law.

### **Action Area 9: Improving understanding of evolving forms of CSEC**

With support from the Secretariat, and in collaboration with academic institutions and other stakeholders, ECPAT groups could contribute to deepening the understanding of emerging aspects of CSEC that have not yet been adequately investigated, such as: linkages between CSEC and child marriage, sexual exploitation of children in virtual environments, correlation between child abuse and natural disasters, sexual abuse and exploitation among younger children, forms and determinants of sexual exploitation of boys. Priority should be placed on enhancing understanding of the latest trends that appear likely to continue in the future.

### **Action Area 10: Ensuring awareness-raising, education and training on CSEC**

- Prevention starts with awareness. Relying on new evidence and in collaboration with the Secretariat and ECPAT groups from the North, ECPAT groups in South Asia should design and implement multi-country projects to raise awareness and build the capacity of different actors to prevent religious and culturally sanctioned prostitution of children (particularly among most vulnerable communities, such as scheduled tribes and castes), sexual exploitation of children through ICTs and by travelling sex offenders.
- Capacity should be developed for accurately identifying the profiles of actors involved in the sex trade – who seldom match the commonly internalised stereotype of sleazy criminals. Without jeopardising openness and trust within the community, children, their families and other stakeholders should learn how to detect potential offenders, by understanding that child traffickers may even be found among acquaintances, neighbours and relatives, and abusers among respectable-looking business people, teachers and doctors, religious leaders, law enforcement personnel and tourists.<sup>291</sup>
- ECPAT groups could build a pool of expert trainers to promote the child protection agenda in mainstream education and introduce awareness-raising modules on CSEC, trafficking, HIV/AIDS, children's rights and gender relations in school curricula and teacher training programmes.

### **Action Area 11: Enhancing the efficacy of cooperation with the private sector against CSEC**

- In collaboration with experienced partners, the Secretariat should develop a toolkit to support the creation of civil society-private sector partnerships and train ECPAT groups in South Asia accordingly.
- ECPAT groups should devote more attention and take a leading role in promoting the adoption

and implementation of codes of conduct for the ICT and tourism industries, based on successful experiences in this field developed by ECPAT groups in South Asia and other regions (e.g. EQUATIONS in India and member groups in Europe and Americas).

## **SUPPORT SERVICES<sup>292</sup>**

Sexual abuse and exploitation has far-reaching emotional and physical implications that can permanently affect the development and wellbeing of a child. Children, especially girls, who have been trafficked and have experienced sexual abuse are often stigmatised by their communities and even families, and regarded as unworthy of returning to a normal life. In such cases, children who have been sexually violated may be perceived as pariahs in their own communities. Even when a child has been successfully rescued and rehabilitated emotionally and psychologically, she may be excluded from partaking in the life of her social milieu and forced to separate again from her own family.

Children who have been victimised need to receive adequate support to allow them to recover from the devastating effects of the violation they have suffered. It is necessary to carefully plan and adequately provide support services that: assist withdrawal from harmful situations, sustain the psychological and emotional recovery and accompany the complete social reintegration of child survivors of CSEC. Strategies for recovery and reintegration of victims of CSEC should encompass both immediate and long-term policies in order to achieve full child protection. Immediate support services include medical and psychological care, and the provision of adequate shelter and legal assistance. Long-term assistance would seek the reunification of the child with his/her family and community whenever possible, reintegration into the education system and concrete arrangements for social and economic rehabilitation.

All countries in the region provide some form of assistance to child victims of abuse, trafficking and exploitation. The range of available services includes: *rescue operations* for children in prostitution and those trafficked for sexual purposes; *safe shelters/transit homes* during the transition between rescue and reintegration; *rehabilitation homes/shelters* for longer-term stays; and *drop-in centres* for temporary relief. Although they may be funded or run by the government in collaboration with NGOs, services for children in distress are mostly delivered by civil society organisations. Support to child survivors of sexual exploitation can include the provision of shelter, food and clothing; counselling; legal and medical assistance; economic rehabilitation through education and vocational training; creation of livelihood opportunities and support for family and community reintegration.

The majority of South Asian countries have established mandatory registration of shelter homes and other childcare institutions, and some have also developed Minimum Standards of Care and Protection.<sup>293</sup> In India, for example, the 2000 Juvenile Justice (Care and Protection of Children) Act, lays down a set of guidelines for childcare institutions, and establishes that shelter homes supported by the government should be monitored on a regular basis. Furthermore, to ensure that professionals engaged in assisting victims of trafficking possess the required knowledge, the Ministry of Women and Child Development, in collaboration with NGOs, has developed guidelines, protocols, handbooks and manuals on aspects pertaining to the immediate handling of cases, including psychosocial assistance and legal aid.<sup>294</sup> The Ministry has also delivered relevant training to practitioners responsible for child protection, such as social workers, caregivers and law enforcement personnel. In Nepal, to improve service quality and ensure the best interests of vulnerable children, in 2007 the Government developed *Minimum Standards for Running Child Welfare Homes*, which set criteria for regular monitoring and supervision;

a Child Care Home Monitoring Committee was also established.

### ECPAT International Child Safe Organisations Project

To prevent sexual abuse and exploitation of children living in children's institutions, ECPAT International, in collaboration with ECPAT UK and UNICEF Thailand, has developed an innovative "Child Safe Organizations" Framework and Training Toolkit promoting child protection policies. Based on the toolkit, training for grassroots organisations working with and for children was conducted in India and Bangladesh, in collaboration with ECPAT member organisations STOP India, SANLAAP India and ACD Bangladesh. An evaluation recently conducted by ECPAT International highlighted innovative examples of good practice, such as the involvement of children in improving quality, effectiveness and validity of the policy as well as the benefits of collaborating with relevant local agencies, especially governments, in strengthening the referral network. The assessment also highlighted certain gaps and provided recommendations for improvement to ensure that organisations adopt stronger internal child protection mechanisms for safeguarding children, such as clearer guidance on on-going participatory monitoring, evaluation and review of policies and procedures.<sup>295</sup>

Within the framework of the SAIEVAC work-plan for 2010-15, governments in South Asia have made a commitment to establish child-sensitive reporting and referral mechanisms, to achieve two overarching goals:

“(a) By 2015 all States have ensured that all professionals working with or for children (including those working for the State) who suspect that acts of violence have been committed against a child are required by law to report the crime (...) Reporting

systems should be safe, well publicised, confidential, accessible and child friendly, allowing children, their representatives and others to report violence against children.

(b) By 2015 all States have clearly defined procedures for the referral of child victims of violence and the modalities for inter-agency cooperation (that is between social services, education, health, police, prosecution authorities, voluntary and private agencies) following an assessment of each particular victim, given due weight to his/her views, and when it is in the best interests of the child, also to her/his parents' or guardians' views.<sup>296</sup>

A review of countries' efforts on this regard suggests that initial steps have been taken, although more needs to be done to achieve the goals. As a result of a three-year regional project supported by SAARC's Development Fund, child help-lines were established in five SAARC countries: Bangladesh, Bhutan<sup>297</sup>, India, Nepal and Pakistan.<sup>298</sup> The plan is to extend the initiative to all eight SAARC countries. Although the help-lines are not necessarily specialised in handling cases of CSEC, they also do provide assistance to children subjected or vulnerable to trafficking and sexual exploitation. Services offered through these mechanisms vary from country to country, but usually involve counselling and referral. Child Helplines in Bangladesh and Nepal are managed by ECPAT member organisations. In Nepal, CWIN provides support services, such as rescue, investigation and monitoring, legal aid, medical support, referral/rehabilitation and follow-up.

Some countries have also made attempts to establish referral systems for victims of violence. In Maldives, referrals can be made to the Child and Family Protection Services, under the Department of Gender and Family Protection Services, or to the Family and Child Protection Department of the Maldives Police Service. In India, the Juvenile Justice (Care and Protection of Children) Act, 2000, provides guidelines for referral and offers shelter, legal aid, medical assistance and other kinds of

support. The Children and Young Persons Ordinance of Sri Lanka contains a legal framework that covers the process of reporting, assessment, investigation and referral. The Department of Probation and Child Care Services in Sri Lanka provides referrals for child victims of violence.<sup>299</sup> However, it remains unclear whether these systems also apply and are able to reach children who are vulnerable to or victims of sexual exploitation.

Alternative models of care, such as community-based rehabilitation and reintegration services, are slowly emerging in the region. In some countries these mechanisms support children's efforts to access assistance and child-friendly justice services.

***In Nepal, Paralegal Committees promote case facilitation and reconciliation, as well as facilitating monitoring and reporting of child rights violations, including trafficking and CSEC. They act as watchdogs and as a bridge between communities and service providers, and help promote change in social attitudes that condone violence and hamper children's rights.***<sup>300</sup>

In India, community vigilance mechanisms and adolescent groups have been formed as part of the "Ujjawala" scheme to combat trafficking of women and children for sexual exploitation, launched by the government in 2007 and implemented mainly through NGOs. Besides preventive activities, the scheme includes recovery components, namely: a) safe withdrawal of victims from the place of exploitation; b) rehabilitation of victims by providing safe shelter, basic amenities, medical care, legal aid, vocational training and income-generation opportunities; c) re-integration of victims into society; and d) support to cross-border victims for safe repatriation to the country of origin.<sup>301</sup> It is worth noting that India is the only country in the region implementing victim compensation schemes for individuals who have been subjected to human trafficking, rape and child abuse.<sup>302</sup>

## Areas of Concern

- Recovery and reintegration of CSEC survivors has yet to become a policy priority in South Asia, as reflected in the limited capacity and scanty budget devoted by governments to support services for victims.
- Despite efforts deployed in recent years, facilities and rehabilitative services (such as education, health, psycho-social counselling and skill development) are inadequate to support the recovery process of all child survivors. Shelters are often available only in large urban areas, not always specifically designed to cater to children and generally do not meet international standards. Available services often face resource challenges, and are sometimes crowded and understaffed. Furthermore, staff employed in children's shelters, as well as other professionals providing external assistance, such as doctors and psychologists, may be unqualified to meet the recovery, rehabilitation and reintegration needs of child victims of sexual exploitation.
- In some countries, such as Afghanistan and India, NGOs have reported instances of child trafficking victims being placed in juvenile detention centres, sometimes for several years, in part as a result of poor bilateral cooperation with countries of origin.<sup>303</sup>
- In India, where guidelines for minimum standards of care and protection were established, their realisation may be hindered by inadequate and ineffective monitoring.
- Systematic referral mechanisms for child victims of violence, including CSEC, in South Asia, are broadly lacking. The benefits of case management and interdisciplinary work to ensure coordinated assistance and reduce re-victimisation have yet to be explored.
- Community-based child protection groups are limited to pilot programmes run by a few child rights organizations, rather than being

mainstreamed within government structures. Depending upon donor or NGO funding, they may not be sustainable in the long-term.

- In South Asia, families and communities are rarely involved in the child rehabilitation process, thereby jeopardising the likelihood for children to be reintegrated when they return home. Unfortunately, several cases have been reported of child victims who tried to return home after being rescued, but were forced to leave their villages again because of social stigma and lack of acceptance by their families.
- Some child helplines (e.g., in Bangladesh) do not use toll-free numbers, do not operate 24 hours a day (or even daily), are not accessible to all children and are not well publicised.
- Specialised care services catering to boys victimised in sexual exploitation, as well as those aimed to support the recovery process of children involved in the production of abusive materials or online sexual exploitation, are missing in most of the region.
- With the exception of India, schemes to ensure access to compensation by child victims of trafficking and sexual exploitation are absent in South Asia. Even when victims have a right to receive legally mandated compensation from the offender (as per the Human Trafficking and Transportation (Control) Act, 2007 adopted by Nepal, for example), they may opt for civil action or compensation through informal negotiations with the defendant, rather than pursuing lengthy criminal prosecution processes.

## Action areas

Caring for victims of sexual abuse and exploitation is a challenging objective that has yet to be adequately met in South Asia. The several gaps that persist in childcare systems require that more support services be provided to meet minimum care standards and cater to the specific needs of CSEC survivors. To ensure successful long-term recovery, rehabilitation

and reintegration of child victims – thus reducing chances of re-victimisation – quality care should be provided by trained professionals through a holistic and integrated approach, entailing the active involvement of all concerned stakeholders, including families, communities, and young people themselves. Alternative care models should also be developed based on international standards put forward by the UN. ECPAT groups might consider developing a number of strategies to enhance the delivery of efficient, high-quality support services to CSEC survivors in the region.

### **Action Area 1: Supporting the development a coherent childcare rehabilitation methodology**

*Child victims of sexual abuse, exploitation and violence require immediate assistance as well as long-term rehabilitation. Rarely is victimisation an isolated event in the life of a child.*

More commonly, children who are vulnerable to violence and neglect are exposed to multiple forms of abuse and exploitation and may be victimised repeatedly. ECPAT should engage in developing a comprehensive methodology to deal with patterns of poly-victimisation.<sup>304</sup> The existing wealth of theoretical knowledge and professional experience developed to help CSEC survivors should be systematised in protocols and procedures capable of achieving the full and irreversible recovery of traumatised and exploited children. Such an exercise would aim to overcome the tendency to intervene using a single-issue, project-oriented approach, which increases the risk of failure to understand and address the complexity of problems that affect each child differently. There is a need to develop a methodological framework to guide child protection professionals to ensure that tailor-made solutions are devised for each child on the basis of common and rigorous standards and procedures.

ECPAT could lead a process aimed at developing a coherent child rehabilitation methodology, drawing from tools and practices that have proved successful and effective in recovering abused children. The

CSEC methodological framework would provide guidelines for dealing with both single and multiple vulnerabilities and violations. It would offer a broad-based framework within which to design integrated solutions at the individual, organisational and community levels. It would make available tools for each step of the process: identification, rescue/withdrawal, recovery and reintegration of abused children. Specifically, the framework would serve as a standard reference, guiding the appropriate development of individual care plans to address immediate needs at the time of rescue, provide services required to protect the child during the phase of recovery and, finally, prepare the child for a balanced and independent adulthood based on full social and economic reintegration.<sup>305</sup> Overall, the methodology would include an array of key elements offering a unifying focus – still broadly missing in CSEC programming:

- The methodological framework would classify the multiple forms of child sexual abuse and exploitation, their origin and their impact on the physical, psycho-emotional and sexual personal spheres of the child. In parallel, it would delineate the social, economic and legal conditions that compound the problem, arriving at a unified understanding of common terms and notions. It would guide understanding of how the same abuse can result in different outcomes, according to the specific conditions in which the violation occurs. Although abused and exploited children may share similar vulnerabilities, they are far from being a monolithic group. Accordingly, interventions should be designed in such a way as to specifically address the consequences as they manifest themselves in each child.<sup>306</sup> In particular, the methodology would consistently differentiate between girl and boy children, making sure that the latter are not overlooked. Similarly, it can guide exploration of the conditions and needs pertaining to groups that have not yet received sufficient attention in CSEC analysis and programming, such as for example, children with disabilities, vagrant children and child beggars.

- Counselling is commonly included in rehabilitation programmes for severely abused, exploited and neglected children. Although extensive experience has been accumulated in this field, quality and efficacy may require greater consistency. Standard counselling methodologies should be adapted to address the specific conditions and backgrounds of CSEC victims. Counselling should be imparted only by trained personnel with professional experience with abused children. Psychological support can also be offered online or by phone, thereby granting a larger number of potential patients access to therapeutic responses. Counselling methodologies currently in use require accurate reviewing and further adaptation to cultural and social conditions.
- Quality of care would be the strategy's core dimension, taking into consideration the primary role of the family and the community, followed by care/service providers. Priority over other solutions would be given to supporting competent, caring parenting; preventing family separation and seeking family reunion; and stressing parental or community-based care. When family care is not possible, clear guidance should be provided to help identify the most appropriate form of alternative care for each child, within the context of national policy and service provision frameworks.
- Although care institutions are multiplying in the region and provide the backbone of services for children in need of care and protection, several gaps remain in terms of availability, access and quality. While the *UN Guidelines on the Alternative Care of Children* provide a core policy and programme benchmark, it is important to spell out in further detail the necessary care standards, methods, procedures and principles that care institutions should follow. In particular, urgent guidance should be given with reference to foster care and adoption, considering the limited experience in this area in South Asia.
- The CSEC methodology should also guide in the design of the "aftercare" phase of a child's

recovery, a critical process that is often neglected owing to inadequate resources and planning capacity. Guidance should be extended to fill the substantial gaps that persist in service provision with regard to re-integrating of children in their own families, in family-like settings and in society at large. The methodology would also include viable strategies for youth who require skills and personal resources to lead an independent adult life following recovery.<sup>307</sup> Finally, it should indicate ways to generate educational and vocational training opportunities and strengthen life skills for youth.

- Aftercare plans would also address the health and psychosocial wellbeing of the former CSEC victim. The methodological framework would provide guidelines on appropriate ways to follow up with disease surveillance, mental health treatment, substance abuse rehabilitation and attention to neurodevelopmental disruption.<sup>308</sup>
- Aftercare psychoemotional, social and economic re-integration is a stage in the child's recovery that requires special attention, particularly in order to prevent a relapse in situations of vulnerability and violence. Sustainable reintegration should aim to ensure that children grow into adults who are safe from further violations of their rights and do not perpetuate the violence that they have suffered on new victims.
- Children and youth should be involved in framing the CSEC methodological framework, in particular by providing their perspectives on how to make care and rehabilitative practices child-friendly. Child survivors would meaningfully contribute personal experiences, offering leads tied to the design of their own path to recovery.
- Finally, the methodology should help adults and young people reflect together on how to balance children's rights to protection and to participation. While recognising that the responsibility for protecting children lies primarily with adults, it is equally critical to ensure that by keeping children or adolescents at home or in a child care institution – on the assumption that these are the most protective environments – they are not

barred from pursuing education, for example, or fulfilling other rights. Ways must be found to keep children and adolescents safe wherever they are, at home, at school and elsewhere, promoting at the same time the fulfilment of their rights and aspirations. The human rights principle of proportionality should be applied, establishing protective measures that are proportional to the abuse from which they are expected to provide protection.<sup>309</sup>

### **Action Area 2: Devising strategies to address emerging trends**

The ECPAT Secretariat should provide leadership to members and partners in exploring the nature and magnitude of emerging forms of CSEC in South Asia and engaging in dialogues aimed to devise solutions that adhere to the evolving regional scenario.

- As child prostitution is progressively moving from red-light areas to more inconspicuous locations, it is crucial for ECPAT to gauge how children are being harmed by being hidden away and develop solutions that help reach out to them with urgent protection measures. Law enforcement professionals need to be guided in pursuing exploiters as they devise new ways to elude control. In parallel, ECPAT should advocate with governments to promote legislation pertaining to the entertainment industry that clearly defines the line separating it from the sex industry, with the objective of overcoming blurred areas that permit escape from legislative intent.
- Sometimes children, whether acting on their own accord or as a result of maltreatment and neglect by adults, engage in risky behaviours that expose them to abuse and exploitation. Running away from home is among these, together with opting for self-initiated marriages. More evidence is needed to ascertain how, in addition to structural factors, evolving sexual and social norms are influencing the behaviour of young people and to guide policymakers and implementers in adapting protection measures to changing situations.

- The profiles of both employer and consumer in the sex industry are undergoing a rapid transition. Even 'supply side' is changing, with younger children being involved and more evidence of boys being exploited. ECPAT could contribute to sharpening insight into the profound transformation that is taking place as traditional forms of sexual exploitation are being converted in a contemporary sex market, fuelled by young victims.
- Critical to perpetuating CSEC is the transformation from abused to abuser. ECPAT should contribute to clarifying the mechanisms that underpin this nexus and promote actions organised simultaneously at the preventive and curative levels to help children (and adults) deal with the double burden of suffering and inflicting abuse.
- ECPAT could further draw the attention of policy-makers and service providers to the specific condition of sexually exploited children who are parents and to the special needs of their children. Solutions must be devised to support parenting in child-led households, while ensuring that young mothers and their children receive adequate health, nutrition, child development, education and protection services without stigma or discrimination.
- It is also necessary to ascertain in greater depth the correlation between migration and CSEC. Movements by entire communities are on the rise in the region as a result of political and social unrest, environmental disasters and economic transformations, leading to dislocation from their homes and disruption in traditional livelihoods. ECPAT can help clarify the fundamental difference that exists between safe and unsafe migration, as well as guide action aimed to protect children who are on the move, in the place of origin, transit and destination, without jeopardising their legitimate search for new educational and occupational opportunities.

### **Action Area 3: Reaching out to victims with online services**

Rehabilitative measures in the area of sexual abuse and exploitation of children online should focus on how to use ICTs to aid in the recovery of victims of online sexual abuse and exploitation.

- The Internet offers a vast untapped potential for implementing online recovery programmes for CSEC victims, with the scope of substantially enhancing service outreach and lowering costs. The Internet can be effectively used for therapeutic purposes. Web-based therapies could provide affordable and anonymous means to treat CSEC victims. Such services could be supported by (mobile) phone or in-person contact with a therapist/coach who could extend additional support on a periodic basis.<sup>310</sup>
- ECPAT could commission an evaluation of the *childline* programmes underway in the region. The findings could provide the foundations for enhancing such services to include CSEC-related issues and to work as parallel systems for reporting abuses perpetrated through the Internet confidentially to trained counsellors. Referral systems that are already linked to *childline* schemes could be strengthened and attuned to the needs of CSEC rehabilitative services. The scope of child helplines could be broadened to provide assistance to adults as well. Parents or other adults could report cases or concerns related to improper sexual preferences or behaviours toward children and seek assistance to prevent actual offences.

### **Action Area 4: Enhancing the capacities of ECPAT groups to deliver multi-stakeholder training on CSEC**

The Secretariat should conduct training on CSEC for ECPAT groups to build the capacity of relevant stakeholders (such as social workers, law enforcement and other professionals coming into contact with children), focusing on child-friendly

procedures during investigation and prosecution, identification, recovery, reintegration and safe return of child survivors.

### **Action Area 5: Building child-safe organisations**

Considering that across South Asia services are mainly provided by NGOs, the ECPAT International 'Child Safe Organisations' Project should be extended to other South Asian countries where ECPAT has memberships. In countries where this training has been already delivered (e.g., India), groups may engage in disseminating the toolkit among relevant institutions, including education and training institutes.

### **Action Area 6: Promoting awareness and supporting implementation of the *UN Guidelines for the Alternative Care of Children***

*UN Guidelines for the Alternative Care of Children*, unanimously adopted in 2009, have become an important tool for decision-makers and service providers in the child care sector to address the vulnerabilities of children deprived of their families, including children exposed or subjected to sexual exploitation. The Secretariat should join with other organisations (such as UNICEF, Save the Children and SOS Village) to advocate implementation of the Guidelines and promote their application among member organisations in South Asia. In turn, member groups should follow-up and advocate with governments and other partners engaged directly or indirectly with children in care, to ensure that all concerned are aware of the Guidelines and engage in their implementation.

## **3.3 CHILD AND YOUTH PARTICIPATION**

Although in South Asia it is common to assume adult responsibilities from a young age, a traditional view sees decisions regarding the lives of children as a prerogative of parents, parents-in-law and

community elders. Young people are rarely perceived as a resource. Children who have been exploited are usually depicted as victims of crime and seen as passive recipients of services, rather than active participants in their own development and recovery from exploitation.<sup>311</sup>

Although a negative perception of young people's participation may still partly prevail, some countries in the region have started orienting their policies to enhance the involvement of children in developing, implementing and monitoring national plans of action, as well as to include child participation as an issue in NPA documents. For example, in Bangladesh, children participated in preparing the *National Plan of Action for Children (2005-2010)*, which identifies child participation as one of its overarching strategies, as well as in drafting the *National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking*.<sup>312</sup> In Pakistan, although children's right to participation has not been granted priority attention, children engaged meaningfully in the process of developing the NPA against child sexual abuse and exploitation. A series of consultations were held with young people, including children at risk and victims of sexual exploitation. A child-friendly version of the NPA was produced and used as a tool for engaging with young people.

At the regional level, SAIEVAC has played a leading role in promoting child participation to influence decisions made during conferences and forums. Young people are represented on the SAIEVAC governing board, with the role of reflecting the views and reporting feedback of child representatives from SAIEVAC National Forums, which are responsible for conveying children's recommendations on protection-related issues in their countries.<sup>313</sup> SAIEVAC also initiated a number of initiatives on issues relating to CSEC, including a Children's Forum, held in conjunction with the regional preparatory consultation for the World Congress III against Sexual Exploitation of Children and Adolescents, held in Kathmandu in 2008. At the forum, child representatives called for the integration of child

participation into relevant policies and programmes and the meaningful involvement of children and youth in awareness-raising and other activities that address CSEC.

With the exception of Afghanistan, Bhutan and the Maldives, where initiatives to promote child and youth participation are negligible, children's organisations – in the form of clubs, unions, committees, councils and parliaments – have become more numerous in South Asia. For example, in Sri Lanka the government recently established the National Youth Parliament, which comprises 335 members between 15-to-26 years, representing all ethnic communities.<sup>314</sup> The parliament encourages young people to develop leadership skills, engage in political issues and contribute to transforming the country. Child-led groups, child clubs, youth groups and children's networks have also been instrumental in preventing and addressing violence against children, including CSEC. For example, in Bangladesh, such groups have been able to stop individuals planning to arrange child marriages from entering villages by talking with community leaders. Similarly, in Nepal, children's clubs have been involved in raising awareness on trafficking, child sexual abuse and child marriage, and, to some extent, have been involved in successful interventions.<sup>315</sup>

ECPAT groups in the region have spearheaded significant efforts to ensure meaningful participation by children and young people in initiatives against CSEC. ECPAT's Youth Partnership Project (YPP) for Child Survivors of Commercial Sexual Exploitation in South Asia is a unique initiative that endeavours to bring about positive psychosocial change in the lives of affected children in Bangladesh, India and Nepal. Young CSEC survivors and at-risk youth living in red-light districts, on the streets or in other unsafe places, such as railway platforms, are the key participants in the project. Through peer support programmes, community awareness campaigns and public advocacy, CSE survivors and vulnerable youth have used their knowledge and expertise to advocate for their rights.

Young activists often denounce a negative attitude that adults display against their initiatives, when parents, teachers or community members express lack of trust toward their experience and capacity. Children, however, may find in such programmes a unique opportunity to come together on problems

that would otherwise relegate them to a condition of impotence and isolation. Especially in the case of survivors, becoming a member of a peer group provides a channel to share painful experiences, identify a path to recovery together, express solidarity and find mutual support.<sup>316</sup>

### Youth-led surveys on CSEC

In **Bangladesh**, India and Nepal, members of the YPP project carried out surveys to study the multiple vulnerabilities of at-risk children and youth living and working in red-light areas, slums, restaurants and dance bars. The research involved the design of specific questionnaires along with data collection and in-depth analysis. A common methodology facilitated regional data comparison to enhance the understanding of vulnerability to CSEC among young people in South Asia and better equip YPP youth to provide effective outreach services and extend adequate support to at-risk young people.

In **India**, the “Study on the Vulnerability of Children Living in the Red Light Areas of Kolkata” was undertaken by ECPAT’s partner organisation, SANLAAP. It has contributed to providing new insight in the challenges faced by children living and growing up in the largest red-light areas of the city - Kalighat, Bowbazar, Tollygunge and Khidderpur. The enquiry was based on the premise that identifying and analysing the risk factors that may force children into sexually exploitative situations is a necessary pre-condition for developing suitable measures to improve their protection.

In **Bangladesh**, a ‘Survey on the Commercial Sexual Exploitation of Vulnerable Children and Youth in Dhaka Slum Areas’ was conducted by ECPAT’s partner organisation Aparajeyo. The study provided first-hand information on the general living conditions of children living in a slum environment and their vulnerability to commercial sexual exploitation, sexual abuse, trafficking and early marriage. Another partner, ACD, conducted studies titled “Village Courts in Bangladesh: Special Attention on Violence against Women and Children’ and ‘Economic and Socio-Cultural Issues of the Untouchable Community and Ethnic Minority”.

In **Nepal**, a “Study on the Vulnerability of Young Girls Working in Restaurants, Bars and Massage Parlours in Kathmandu” was developed and conceptualised by ECPAT’s YPP partner organisation, Maiti Nepal, with Child Workers in Nepal (CWIN) and Bishwas Nepal, as reported earlier in this document.<sup>318</sup>

***Launched six years ago, YPP was implemented by SANLAAP in India, Maiti Nepal in Nepal and Aparajeyo in Bangladesh,<sup>317</sup> creating opportunities for children to play leadership roles within their communities and in the organisations with which they are associated. The project has contributed to eroding the view that child survivors are mere welfare recipients, while encouraging children to play a proactive role in their own lives and in society.***

### Areas of Concern

Although children and young people in the region have been playing an increasingly active role by partnering with governments and national and international NGOs, challenges remain in meaningfully engaging them in efforts to prevent commercial sexual exploitation (and related child protection issues) across South Asia. Common gaps include:

- Most programmes on child and youth participation are promoted by NGOs and CSOs with minimal investment of public funds;
- Training to empower children and youth and ensure their participation in actions addressing CSEC is by and large non-existent;
- Administrative and legal procedures often disregard the children's right to be consulted in decisions that affect them and do not always consider children's best interests;
- Child-friendly information is inadequate to provide young people with knowledge of how to keep safe from online harassment and abuse, trafficking and unprotected migration or early marriage;
- Children are seldom informed about procedures for reporting abuse and exploitation, or CSEC-related national legal and policy frameworks;
- Sexual abuse is normally accompanied by threats. Children's ability to report the violent acts that they have experienced is hindered by intimidation or apprehension over the harm that may backlash against them, if the offender decides to retaliate. Concern may also stem from fear of damaging a person who is dear to them, as in the case of incest or sexual harassment by family members and friends;
- Unless accessible, comprehensive and updated child-friendly information channels are created, young people will be unable to fully exercise their right to information, which in turn supports their freedom of expression and participation.

### Action Areas

*Children who have been denied their rights continue to be entitled to them. Recovery processes, therefore, should consider them as agents, not as victims.<sup>319</sup>*

Fostering children's right to participation in the context of CSEC implies focusing both on children who have been victimised, to help them recover, and on vulnerable children, to protect them from the risk of being abused. In addition, it should be recalled that every child has the right to form an opinion and develop an understanding of protection and safety. Equally, all children enjoy the right to be protected, healthy, educated and to develop to their full potential. Therefore, although priority attention should be granted to young people who have experienced sexual abuse and exploitation the involvement of all children is also critical, to reflect their perceptions, views and aspirations in relation to decisions made in families, communities and by policy-makers with regard to their care, safety and all round development.

Activities aiming to address CSEC should be framed and implemented taking into consideration the perspectives offered by children (as reflected also in the recommendations for action made throughout this document). Different methodologies may be considered when consulting vulnerable and non-vulnerable children, adopting the most appropriate approach according to the circumstances, and with a view to eliciting the experience of children without exposing or hurting them. More efforts are needed to create and strengthen formal platforms and informal opportunities for young people to come together, share their opinions and contribute to enhancing child safety nets.

Governments, families, schools, social services, civil society, the police and the judiciary must recognise that children are citizens entitled to be protected from all forms of sexual violence. Children must be empowered with knowledge to contribute to decision-making processes in an informed and meaningful manner. They should also be regarded as equal partners in monitoring the work of governments and providing regular feedback to those mandated to work in their interest. In particular, they should be consulted when designing

and planning child care and protection systems in the environments where they live.

When fostering active involvement by young people, attention must be focussed on those groups that tend to be marginalised. Children who are excluded and more prone to sexual exploitation (due to living in red-light areas, on the streets, in dysfunctional families, or being forced into highly exploitative labour or bondage) should be reached out to and involved in processes in which they can play an active role.

Overall, systematic efforts are necessary to ensure that boys and girls are equally involved and have an opportunity to contribute different perceptions and experiences of CSEC from a gender perspective. In particular, young people who are already married should be encouraged to participate in child-led activities, overcoming the perception that the adult roles they play disqualify them from contributing to initiatives mobilised by unmarried peers.

Age is an important factor to consider as well. Not only adolescents have a right to participate, but also younger children, who are increasingly joining the ranks of CSEC victims. Methodologies must be devised to support young children in disclosing the trauma they have suffered and share it on the way to recovery and prevention from further victimisation.

When children speak with others about the abusive experiences they have suffered, they can contribute significantly to envisioning responses. Facilitators of child participation processes in the context of sexual abuse and exploitation, however, must exercise extreme caution in respecting children's privacy and refraining from recalling painful experiences that bring back bad memories or may result in stigmatisation. Sharing experiences relating to harm, shame and trauma must be kept to a minimum and carried out as much as possible under the supervision of experienced or professionally qualified adults.

Processes aimed at discussing personal experiences relating to sexual abuse or exploitation should consider from the inception that concrete solutions must be offered to children who are in distress. Children who disclose their predicament among peers or adults should be immediately assisted and removed from the harmful situation in which they are found. It should be regarded as unethical to use child participation as a means to gather information and learn about children's problems without providing necessary and urgent help as needed.

### **Action Area 1: Engaging CSEC victims in developing recovery protocols and social rehabilitation opportunities**

- The involvement of young people should be systematically sought when designing interventions for children who are victims of or at risk of CSEC. Children's contribution in general and, in particular, of children who have been victimised, would be equally helpful in gaining insight for child-friendly solutions. Children's experience and knowledge should be tapped especially in dealing with emerging CSEC-related issues. Young victims can contribute to deepening the understanding on new types of abuse, such as those being perpetrated on the Internet, via mobile phones, through webcam or in the entertainment industry;
- Involving CSEC victims in developing solutions is important not only as a means to facilitate their recovery, but also to prevent further victimisation. A large proportion of abusers are children themselves. Engaging in participatory processes young people having the double profile of victim and abuser implies involving the child at different levels. The role of adults in such processes needs to be assessed carefully and new skills developed to support professionals to competently contribute to such processes;

- Young people can be suitably empowered to contribute to peer-to-peer education activities. They can act as young facilitators, collaborating with vigilance groups and other protective mechanisms established in their communities. They should be equipped with the knowledge necessary to identify risky situations and help victims seek assistance through proper referral;
- ECPAT's Youth Partnership Project should be continued, to ensure effective long-term rehabilitation and social reintegration of the children involved. Good practices and lessons learned from the YPP experience should be documented and disseminated among network members to provide a framework for replicating results, including an overview of strategies and tactics to guide implementation and adaptation.

#### **Action Area 2: Empowering children to keep safe in their protective environments**

- Vulnerable children live alongside other children in communities that have formal and informal safety nets of their own. Parents, relatives, neighbours, community and religious leaders, teachers, health workers, policemen, shopkeepers, local elected representatives and government personnel play multiple social roles in keeping the community and its children safe. Before importing new mechanisms from outside, existing protective mechanisms should be carefully reviewed and strengthened. Children can be effectively involved in enhancing the safety nets on which they can count. They can engage with their families, schools and communities to identify safety mechanisms that work for them in their daily lives and sensitise adults on situations where they feel unsafe and neglected. They can contribute to improving the school environment to make it free from sexual harassment and molestation, bullying and corporal punishment. Children can also provide their perspectives with regard to child marriage, school dropout and highly exploitive forms of child labour that expose them to sexual violence;
- Young people can contribute to building preventive protection mechanisms in the villages and neighbourhoods where they live. They can help form school-based groups to facilitate sharing of common issues and through which approach teachers and parents for support. Schools could also host drop-boxes or other confidential channels for reporting violations and pursuing redress. Young people can exercise pressure to ensure that reproductive and sexual health programmes address also issues relating to adolescents. They can help mobilise the community and the local government against trafficking that takes place in their area, monitoring peers who may be leaving the locality. They can also help track children who drop out of school and may be confronted with the prospect of early marriage and employment, and follow up with teachers and families to ensure that all children remain in school;
- Young people who are disenfranchised from their communities or live separated from their families should be offered special venues for conveying their views and contributing to initiatives aimed to protect them. NGOs, which normally assist children living on the streets, involved in sex work, engaged in domestic labour or otherwise excluded, can ensure that young people's views are heard by policy-makers and followed through when programme interventions are designed and implemented;
- The ongoing formation of children's groups should be sustained as a way to multiply venues for child participation and foster a culture of democracy and human rights in the region. Young people's participation, however, is truly sustainable and meaningful when it is framed within a larger participatory effort involving the entire community of which the child is part. Children's groups should therefore be linked to ongoing adult participatory processes, and be given an opportunity to interact with other proactive members of the community – parents, teachers, service providers, elected

representatives – engaged in making the local constituency safe and caring for children;

- Sensitisation activities offer ideal settings for children’s participation. In the process of raising awareness in their communities and schools, young people acquire information, are empowered with tools to defend themselves and share personal experiences with peers. Activities should be continued where young people are involved in awareness-generation and advocacy, for the positive results that they have yielded in the region;
- Overall, in the context of CSEC-related programming, efforts to increase children’s participation should converge toward the overarching objective of reinforcing the resilience that is natural to children and protects them from harm during the vulnerable time of childhood. In fostering effective participation, children should be empowered with information and knowledge about various forms of sexual violence that they can experience in different environments: the home, the school, the workplace, the community, the child care institution and the Internet. They should be further equipped with instruments and methods to keep safe, both individually and in groups. Finally, children should be prepared to assist and guide peers who are at risk of abuse and exploitation. Child-friendly resources, in the form of booklets, posters, dedicated websites, online blogs, should be developed in collaboration with young people to sustain child-empowering activities.

### **Action Area 3: Fostering opportunities for promoting the right to participation in the context of CSEC**

- ECPAT International and ECPAT member organisations in the region may consider organising a Children’s Forum to facilitate the participation of children and youth in a regional meeting to be held in collaboration with SAIEVAC, with the aim of reviewing efforts to implement SAIEVAC’s workplan and the Rio Declaration (see sub-section on “Coordination and Cooperation”);
- ECPAT’s International Secretariat and member organisations in South Asia should provide support to children and youth to ensure systematic engagement with relevant human rights mechanisms, participation in policy discussion events at various levels and organisation of youth-led advocacy activities;
- The International Secretariat should also develop and distribute a manual on conducting youth-led research to enhance the skills and capacities of young people to analyse CSEC issues and make suggestions for combating this violation. As a follow-up, children and youth, with support from member organisations in South Asia, could design and conduct research on emerging forms of CSEC and share findings at important advocacy forums (similar to the youth-led surveys carried out to prevent child sexual exploitation online, facilitated by ECPAT in Africa and America).



## **SECTION 4. CONCLUSION AND WAY FORWARD**

The profound transformations taking place in South Asia are having a significant impact on the lives of children. Multiple, interconnected changes are taking place in the economic and social fabric of the region, with far-reaching implications for the worldviews of its communities. The very rapid pace at which society is evolving is causing dramatic effects on the traditional ways of life that have long characterised most of the region. The sudden shift caused by the global economy and new technologies are propelling entire communities that have lived in secluded, self-protected settings into a hyper-connected global dimension that is threatening social cohesion and self-defence mechanisms.

Younger generations, which are in the forefront of change, were born and grew up during the past two decades of transformation. Today's South Asian children live with one foot in the past and one in the future. The centuries-old values and beliefs that have provided a compass to orient the personal attitudes and social behaviours of endless generations of forefathers are proving inadequate to help navigate the transition. Parents are finding themselves unequipped to guide their children, and young people are often disoriented as familiar environments turn risky and unsafe. Homes, schools, workplaces, communities and the Internet are the primary settings where children live and should be protected. Evolving social and sexual norms, instead, are reshaping these environments into intolerable situations where they are abused, exploited, bought, sold and kept in bondage.

Commercial sexual exploitation of children can no longer be equated to abusive sexual behaviour alone. Its systematic, planned and wide-scale perpetration is transforming a practice that existed in the past into a contemporary, well-organised economic sector founded on human coercion and slavery. Enslaved to the new entertainment and sex industry, to sex tourism, to compulsive use of the Internet, children are now a tradable commodity at the service of an efficiently structured, highly profitable domestic and global sex business. The violent character of unregulated and uncontrollable

market forces that control the globalised sex trade underpins the violent nature of commercial sexual exploitation of children in South Asia and in the world. Sexual violence against children is arguably the most intolerable of all forms of violence being perpetrated on children, causing life-long, often irreversible damage on the victims. Initiatives mobilised in South Asia to stop CSEC need to recognise the unprecedented challenges stemming from the current scenario and contrast its systemic violent structure by mobilising a region-wide response to sexual violence against children.

A set of novel features delineates the new South Asian CSEC landscape. The forthcoming ECPAT programme needs to carefully examine them and devise responses that keep pace with the evolution of CSEC in the region.

- *Need for reliable data:* Available evidence on the extent and the characteristics of CSEC in both its conventional and emerging manifestations is grossly inadequate for both advocacy and programming purposes. Existing information and experience indicate, however, that the severity of the crisis is reaching such proportions that the profile of the fight against CSEC must be raised to engage a wider array of decision-makers from a variety of sectors. More evidence must be generated to analyse new forms of CSEC and measure their impact on children and South Asian communities, in its multifarious human, social, economic and developmental dimensions. Reliable and comprehensive data would provide the basis for building suitable advocacy tools, mobilise higher decision-making levels and devise a strategy involving multiple stakeholders. ECPAT could provide a leading role, encouraging government and non-government actors to take responsibility and initiate action from different perspectives;
- *Changing face of CSEC:* The profiles of both victims and perpetrators are changing, along a common trend of market expansion and diversification. Sex offenders are no longer only men but also

women; do not only approach victims through personal encounters, but increasingly via virtual contacts; not just local men exploiting local girls, but also South Asian nationals traveling to neighbouring countries. Victims, on their part, are no longer only girls, but also boys; not only adolescents, but also young children; not simply deprived, but also middle-class children, such as those harassed online;

- *Cycle of abuse:* The expanding availability of outlets for child sexual abuse and exploitation is multiplying occasions for victimisation, with frequent patterns of poly-victimisation, whereby the same child is violated repeatedly. Sexual offenders are often adults who have suffered sexual abuse in childhood, or abused young people who victimise peers. When a victimised child or adult turns into an abuser, the offence received perpetuates itself into further victimisation. Considering also that one single abuser tends to inflict the offence on a number of victims, the proliferation of abusive acts tends to grow exponentially;
- *Multiplying mechanisms:* Several characteristics of the contemporary child sex business further facilitate the perpetuation of violations. While only a finite number of children are being trafficked and forced into prostitution, a potentially vast majority of South Asian young people are fast gaining access to the Internet, exposing themselves to online sexual abuse, either as victims or as consumers. An additional multiplying mechanism requires children who are kept in conditions of real or virtual bondage to recruit more victims to earn favours or areas of freedom from their masters. Also, a form of intergenerational perpetuation of sexual abuse sees children who have suffered CSEC frequently having children of their own. Second generations are especially prone to continuing the chain of sexual violence in which their young parents are trapped;
- *Proliferation of child sex 'packages':* Rapidly expanding technological and market

interconnectivity allows diversification by combining individual sexual services into packages. The Internet provides a powerful tool for connecting, packaging and advertising child prostitution, sex tourism and an ever-growing variety of online-grown pornographic products;

- *Hidden practices, hidden profits:* As the sex business burgeons, its operations become more clandestine. With legal frameworks growing increasingly stringent, the sex business is evolving into a hidden and faceless force. Children in prostitution are removed from brothels and concealed in locations in more respectable neighbourhoods, physical contacts are substituted by virtual ones, illicit materials are buried in the Hidden Web or the Cloud and the trading of products is made available free of cost to avoid traceability of online payments and eluding controls.

***The emerging features of the contemporary South Asian CSEC scenario suggest that the core challenge facing future policy and programme development is not limited to the size and rapid growth of the new child sex business, but also its sophistication and complexity.***

The various thematic areas identified for the forthcoming ECPAT programme – child prostitution, trafficking of children, online sexual exploitation of children and pornography and sexual exploitation of children in travel and tourism – need to interface with each other, addressing the multiple linkages that connect the supply and demand sides of the sex market.

**Two core principles are likely to inform new programming – *convergence and prevention.***

- *To set priorities and plan action based on a rigorous rationale, the ECPAT programme would need to carefully review the complex web of emerging CSEC manifestations in connection with their multiple, often*

*interlinked causes. Such a systematic situation analysis would provide the basis for designing a programmatic structure that takes into consideration the impact of progressive levels of causality on manifestations;*

- *At the first level, immediate causes, the programme would be likely to continue several of the successful actions carried out to date to control factors that directly cause CSEC. Rehabilitating traumatised children, stopping traffickers and blocking offensive Internet websites are among the activities that address direct causes of CSEC and need to be further strengthened. This programme level is essentially curative, being concerned with ensuring remedial measures to overcome harm already caused;*
- *At the opposite end of the causal chain, the programme would also contribute to tackling underlying causes of CSEC; the conditions that make the problem possible. ECPAT's efforts carried out in this realm would also continue: reforming negative social norms, re-orienting adverse attitudes, changing risky behaviours, improving ineffective systems. To address underlying causes, ECPAT's work would further focus on the realms of legal reform, lobbying, advocacy, alliance creation, capacity development and evidence building. Such broadly preventive strategies are key to changing the backdrop of the CSEC scenario;*
- *A critical order of causality that has been addressed less prominently in ECPAT's strategies and may instead be considered for future programming is the intermediate causal level. Intermediate causes are those that underlie CSEC-related problems, exposing a large number of children, vulnerable as well as non-vulnerable ones, to abuse and exploitation. In the South Asian context, primary underlying causes would include child marriage and school dropout, linked to the dowry system, and inadequate birth registration. Programme action at this*

*level would be highly strategic, addressing the detrimental practices that are primarily responsibility for tearing the safety nets that naturally protect children in the region. Preventing children from falling through the safety nets by keeping them in school and out of marriage, at least until they attain majority, would help create a 'safety shield' that the region has as yet been unable to build;*

- *A sharper preventive focus would open new avenues to convergent programming. Community-level interventions to prevent separation of children from their families and schools would hinge on broad-based coalitions of duty-bearers, including parents, community members, teachers, health workers, the police and local government representatives. Actors responsible for child safety in different social and institutional settings would collaborate to enhance child protection and place the issue of sexual abuse and exploitation in the context of other critical sectors, such as education and health;*
- *At both the local and national levels, ECPAT's programme would help conceptually build CSEC around intersecting concerns in the education, protection, health and nutrition sectors. Identifying strategic linkages between sexual abuse and exploitation and other programmatic areas would also give ECPAT new opportunities to partner with a wider variety of players and place CSEC more firmly on the agenda of agencies committed to achieving universal education, expanding child protection and achieving health and nutrition goals;*
- *Ultimately, the new ECPAT programme would seek to achieve a suitable balance between curative and preventive approaches, in an effort to recover and give back a future to the victims, without losing sight of children who live in environments that, in the region, are becoming progressively unsafe.*

In developing a comprehensive CSEC strategy, ECPAT would lay the foundations for adopting an explicit, child rights-based approach to planning and programming, oriented to building child protective environments into national policy and systems, and community practices. A comprehensive programme framework would embrace the child from a young age, ensuring a continuum of care across the life cycle: from the first critical 1,000 days to at least 18 years of age.

Children's participation would remain a common element running across this broad-based programming canvas. ECPAT would continue to foster child participation, encouraging the multiplication of fora for young people to come together, exchange views and experiences, and contribute to keeping families, communities, schools and the Internet safer. The programme structure would provide a platform for including children's efforts in a broader governance framework committed to children's protection and full development.

The new programme strategy would provide an opportunity to position ECPAT, with its South Asian network of 11 organisations in five countries, as a committed player in the battle against CSEC in the region. Twenty-five years of experience in the field qualify ECPAT to play the role of facilitator in policy and programme development in the CSEC area, at both regional and national levels. ECPAT's unique contribution would be the provision of highly technical support on specialised subjects and guiding comprehensive programmatic strategies to be adopted by a wide range of government and non-government partners. ECPAT's alliances with SAARC and SAIEVAC would facilitate the spreading

of its vision within the regional and in individual countries. ECPAT's history of collaboration with other NGOs and UN agencies will help to raise the visibility of the CSEC agenda among influential players.<sup>320</sup>

In envisioning a new programme cycle, ECPAT should take full advantage of the favourable policy conditions that are emerging in South Asia. The Violence against Children platform built, in particular, into the SAIEVAC framework has considerably raised the visibility of child protection concerns in the region. Also, recent national efforts suggest increasing commitment and rising investments in an infant/child protection sector. A prominent country like India has embarked on the ambitious process of creating a nation-wide child protection programme and service structure, on the basis of the Integrated Child Protection Scheme (ICPS), the Juvenile Justice (Care and Protection of Children) Act (2000) and allied legal and programme provisions. Such initiatives may be regarded as the embryo of more ambitious child protection initiatives evolving in the region that are poised to become a key component of larger national social welfare systems that Asian countries aspire to build. This is the time when programmes actively contributing to improving child protection and welfare can be institutionalised within the broader national and regional policy framework.<sup>321</sup>

For children to be able to live and grow up in all countries of the region healthy, educated, safe and cared for, it is necessary to irreversibly break the chain of child abuse and exploitation that is perpetuated from one generation to another. This is ECPAT's goal as it enters a new programming cycle.

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