



ENSURING PARTNERSHIP AND COMMITMENT

Key messages for the World Congress III against Sexual Exploitation of Children and Adolescents
from the South Asia Forum Regional Preparatory Consultation
27-29th August, 2008
Kathmandu, Nepal



**Including Children's
Recommendations**

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First World Congress
against Commercial
Sexual Exploitation of
Children
Stockholm, Sweden
1996

South Asia Strategy
Development Against
Commercial Sexual
Exploitation and Child
Sexual Abuse
Dhaka, Bangladesh,
2001

The Second World
Congress against
Commercial Sexual
Exploitation of
Children
Yokohama, Japan
2001

South Asia Regional
Mid-Term Review of
the Yokohama Global
Commitment 2001
Colombo, Sri Lanka
2004

The South Asia
Regional Consultation
for the UN Study
on Violence against
Children
Islamabad, Pakistan
2005

The South Asia Forum
Regional Consultation
Islamabad, Pakistan
2006

The South Asia Forum
Regional Preparatory
Consultation for the
World Congress
III against Sexual
Exploitation of
Children and
Adolescents
Kathmandu, Nepal
2008

INTRODUCTION

The World Congress III against Sexual Exploitation of Children and Adolescents will take place from 25-28 November, in Rio de Janeiro, Brazil. The World Congress will gather approximately 4,000 people from five continents, including 300 adolescents and children.

In preparation for the World Congress III, the South Asia Forum (SAF) Regional Preparatory Consultation for the World Congress III was organised in Kathmandu, Nepal from 27-29 August 2008. The South Asian Regional Consultation mirrored the thematic areas and the structure of the World Congress III at the regional level and was one of five preparatory consultations held around the globe. It was attended by nearly 200 delegates comprising of high-level government representatives at the ministerial level, UN Agencies, local and international non-governmental organisations (NGOs), child rights experts, children and adolescents.

The South Asia Regional Consultation was significant in its efforts to include children's views. Eighteen children and adolescents from the region attended a children's forum, held from 24-26 August and agreed upon a set of recommendations for addressing sexual exploitation of children in the region. They participated alongside adults at the Regional Consultation and put forth their recommendations, calling upon governments and NGOs to take their views seriously and to include them as active participants in the protection of children's rights in the region.

The Regional Consultation focused on the development of a common understanding on the concept and themes of the World Congress III, analysed the challenges and progress made in addressing the priority issues affecting the children in the region, including sexual exploitation of children, and collectively formulated the regional goals and targets to be proposed during the World Congress III.

The specific **objectives** of the SAF Regional Preparatory Consultation for the World Congress III were to:

- Provide a common understanding and comprehensive overview on priority issues for the region, i.e. early marriage, trafficking, physical and psychological punishment of children and their linkages to commercial sexual exploitation of children;
- Report on regional progress and challenges;
- Increase key stakeholders' capacity in addressing these issues; and

- Formulate time-bound goals and targets related to the countries' commitments and actions in the region and forwarded to the World Congress III.

The main **outcomes** of the SAF Regional Preparatory Consultation include:

- Identification and recommendation of strategies and approaches for strengthening national and regional capabilities in addressing sexual exploitation of children and adolescents;
- Building agreement among stakeholders in the region on the required actions and strategies that are rights-based, holistic and committing to work to reinforce the systems that work to guarantee child rights; and
- Mobilisation of commitment and support of key stakeholders to the regional recommendations and their implementation which will be reflected in the World Congress III and its follow-up processes.

The **four themes** of the SAF Regional Preparatory Consultation were:

- Forms of commercial sexual exploitation and its new dimensions
- Legal framework, accountability and law enforcement
- Holistic integrated inter-sectoral policies
- Strategies and goals for regional and international cooperation

Within this framework, the following **priority issues** affecting children in the region were further examined:

- South Asia regional overview on sexual exploitation and sexual abuse
- Child trafficking for sexual purposes
- Physical and psychological punishment and its linkages to sexual exploitation
- Child / Early marriage

THE SOUTH ASIA FORUM REGIONAL CONSULTATION ORGANISING TEAM

The SAF Regional Consultation was jointly organised by the South Asia Forum (SAF) and the South Asia Coordinating Group on Action against Violence against Women and Children (SACG). The official host of the event was the Ministry of Women, Children and Social Welfare, Government of Nepal (a SAF member country).

The South Asia Forum is a Regional Ministerial Coordinating Group on Violence against Children established as one of the outcomes of the Regional Consultation on Violence against Children in Pakistan in May 2005. It comprises South Asian Association for Regional Cooperation (SAARC) countries: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

The South Asia Coordinating Group on Action against Violence against Children and Women is an inter-agency group comprising of UN agencies and international NGOs working against violence in the region. The members consist of UNICEF ROSA, UNIFEM Regional Office, ILO Sub-Regional Office, UNDP Regional Center in Colombo, UNFPA Regional Office, WHO Regional Office, UNODC Regional Office, ECPAT International, Save the Children and Plan International. The SAARC Secretariat sits in as an observer to the SACG meetings along with the USAID Regional Office, Planet Enfant and Terre des Hommes. The current Chair of SACG is ECPAT International (May 2007 to January 2009).

THE SOUTH ASIA REGION INCLUDES EIGHT COUNTRIES:



Islamic Republic of Afghanistan



Federal Democratic Republic of Nepal



People's Republic of Bangladesh



Islamic Republic of Pakistan



The Kingdom of Bhutan



Democratic Socialist Republic of Sri Lanka



Republic of India



All of these countries are members of SAARC



Republic of Maldives

EXISTING AND EMERGING TRENDS RELATED TO SEXUAL EXPLOITATION OF CHILDREN IN SOUTH ASIA

- Commercial sexual exploitation of children continues to be one of the most widespread and pervasive violations of children's rights in South Asia, affecting millions of children; despite increased awareness and recognition of the problem in the region.
- Large proportions of children in South Asia are trafficked within and across countries in Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka for sexual exploitation and work in labour markets. Lack of reliable data prevents from estimating the exact numbers and hence the propensity of the problem.
- Out of a total 300 million children in South Asia, an estimated 21.6 million, aged between five and 14, are working. Many are bonded and live in inhuman conditions within homes, farms or factories where they are often subjected to sexual exploitation.
- Children are forced into prostitution not only in brothels but increasingly in new locations such as massage parlours, beauty salons, dance/cabin bars, private residences and within shop houses along major highways.
- It is estimated that 48 per cent of children in South Asia are still subjected to child or early marriage, especially in Afghanistan, Bangladesh, India, Nepal and Pakistan, despite existing laws banning it. This is one of the practices that reflect the deep-rooted inequality against the girl child in the region.
- Recent studies provide evidence of sexual exploitation of boys to a much larger degree than previously recognised in the region, especially in Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka. However, this continues to be an unreported or highly underreported phenomenon due to its perceived linkage with homosexuality and the stigma attached to the issue.
- India, Nepal and Sri Lanka have recorded many cases of sexual exploitation of children in tourism as well as the use of children in the production of pornography.ⁱ In addition to the demand from foreign tourists, there is also a strong local demand for sex with children in tourist and pilgrim sites in India, Nepal and Sri Lanka.
- There is an emerging concern in the region that unregulated information and communication technology (ICT) is facilitating sexual exploitation of children through viewing of pornographic materials and violent images as noted in various countries of the region, such as Bangladesh, India, Nepal, Pakistan, Maldives and Sri Lanka.ⁱⁱ In the larger cities across the region, child pornography materials, such as videos, are openly sold in designated markets.

Key Challenges Related to Sexual Exploitation of Children in South Asia

- Lack of specific national plans of action (NPA) against commercial sexual exploitation of children and trafficking in many countries in South Asia
- Incomplete and inconsistent definitions of child prostitution and trafficking in the region which mainly accord protection to children under the age of 16 which falls short of the international standards outlined in the Convention on the Rights of the Child (CRC) and its Optional Protocols
- Lack of protection for boys and response mechanisms for the sexual exploitation of boys
- Lack of victim protection often resulting in criminalisation of child victims
- Lack of provision of adequate compensation and access to recovery and reintegration services for child victims making them more vulnerable to re-victimisation/trafficking
- Lack of effective systems of data collection that disaggregate information according to age/agenda etc. in order to better inform prevention and protection strategies on sexual exploitation of children
- Laws protecting children against child pornography are not in place, despite the increasing focus on promoting ICTs in the region. Public awareness on child safety online, the creation of reporting mechanisms to investigate and shut down child pornography websites have yet to be established.

VULNERABILITIES OF CHILDREN TO SEXUAL EXPLOITATION AND RISK FACTORS IN SOUTH ASIA

- **Poverty:** Large segments of the population of countries in South Asia are among the most disadvantaged in the world, living under the poverty line, especially in Afghanistan, Bangladesh, Bhutan, India, Pakistan, Nepal and Sri Lanka.
- **Ethnic Minorities/Lower Castes:** Discrimination and marginalisation of certain groups and communities perpetuates their poverty and inaccessibility to economic resources. This is further compounded by the presence and tolerance of discrimination and marginalisation based on gender, class, caste, ethnicity and religion.
- **Gender Inequality:** Discrimination against children in general and gender inequality in particular toward the girl child is still quite deeply rooted and reflected in norms and practices in South Asia as demonstrated by lower enrollment rates of girls in schools as well as the continued practice of child or early marriages, etc.

- **Physical and Psychological Punishment:** The common practice of corporal punishment within homes, schools and work places, and lack of recognition of physical and psychological punishment as violations of human rights increase the vulnerability of children to sexual exploitation and trafficking.
- **Unsafe Migration and Exploitative Labour Markets:** Undocumented migrants often experience violence and exploitation both during the migration process and at the final destination usually exploitative work in unregulated sectors.
- **Conflict and Emergency Situations:** Vulnerabilities of families and children to insecurity and risk factors are further complicated by situations of crisis and emergency, conflict and instability and the steady and increasing environmental degradation that many countries in the region are facing.
- **Lack of Political Will:** Ongoing political instability in many countries has resulted in the delay of the implementation of development plans and policies, including those that support and strengthen national child protection systems. Lack of political will leaves a major gap in the creation of a protective environment for children, especially when families are under tremendous pressure and challenges to sustain basic livelihoods.

GOOD PRACTICES IN REGIONAL COOPERATION MECHANISMS IN SOUTH ASIA

The region has made significant progress in **the development of partnerships and networks among governments, NGOs, children and young people and community-based organisations.**

- **The South Asia Association for Regional Cooperation** is an important mechanism in the region to foster cooperation and collaboration among the eight South Asian governments on various issues, including gender, family, children and youth issues. SAARC developed the Regional Convention against Trafficking that has been ratified by Afghanistan, Bangladesh, Bhutan, India and Maldives. SAARC also has two high-level regional task forces: the Regional Task Force on Trafficking Convention and on Child Welfare, which acts as a monitoring body in the implementation of the SAARC Convention in the region.
- **The South Asia Forum for Ending Violence against Children** is a unique regional governmental body formed in May 2005 after the Regional Consultation on Violence against Children in Pakistan, primarily to generate the necessary focus and commitment on addressing the priority issues on violence against children among the SAARC governments. The main areas of focus are identified as child/early marriage, human trafficking and physical and psychological punishment. The SAF objectives are to share and disseminate good practices and lessons learned, as well as capacity building for the governments to effectively follow-up on and monitor the progress on violence against children. The first SAF Secretariat was set up in Pakistan and will be transferred to Nepal

for the next two years. Efforts are also underway to institutionalise SAF under the SAARC Secretariat so that the work of these two regional bodies can be complemented and maximised.

- **The South Asia Coordinating Group on Action against Violence against Women and Children** was initially set up as the Coordinating Group against Commercial Sexual Exploitation and Trafficking of Children and Women in South Asia in 2004 to monitor the Yokohama Commitments. This inter-agency group was expanded and renamed the South Asia Coordinating Group on Action against Violence against Women and Children (SACG) in 2005 during the Violence Study Regional Consultation in Pakistan, and expanded to include 10 UN regional agencies, five international NGOs, the SAARC Secretariat, and USAID as an observer. The main areas of focus for SACG are networking and collaboration in the region against child marriage, human trafficking, physical and psychological punishment, and sexual abuse and exploitation of children, with children and young people's participation as a cross-cutting issue. Member agencies rotate the Secretariat each year and convene quarterly meetings to report on progress.
- **Action against Trafficking and Sexual Exploitation of Children (ATSEC)** is a coalition of NGOs that has been working in the fight against trafficking and sexual exploitation since 1998 and was established in Bangladesh. It now has chapters in India and Nepal.
- **The Youth Partnership Project (YPP)** for child survivors of commercial sexual exploitation in South Asia is a unique endeavour that aims to have a positive psychosocial impact by creating opportunities for child survivors of sexual exploitation and at-risk youth to take action to combat these crimes and thus improve the lives of vulnerable or affected children. The project is a collaboration of ECPAT International, Sanlaap in India, Maiti Nepal, Aparajeyo Bangladesh, Christian Aid and Comic Relief.

FORMS OF COMMERCIAL AND SEXUAL EXPLOITATION OF CHILDREN

- Establish minimum standards and strengthen the quality of care services for the recovery and reintegration of child victims.
- Establish programmes to provide care and rehabilitation for boy victims.
- Pilot and replicate alternative models of care, such as community-based rehabilitation and reintegration.
- Institutionalise meaningful child and youth participation at all levels for child survivors of sexual exploitation and at-risk youth to inform and support social action to combat these crimes and thus improve policy and programmes.
- Make child participation an integral part of all policies, programmes and budgets funded by governments.
- Establish a database of offenders and share it among countries at regional level.
- Establish long-term programmes that build self-esteem, life skills and confidence of children and youth.
- Ensure long-term reintegration support for the children that includes psychosocial recovery, formal or non-formal education, economic empowerment services, etc.
- Ensure that child survivors of sexual exploitation are never treated as criminals and therefore laws should be amended accordingly.
- Promote corporate social responsibility, including codes of conducts for the private sector (e.g. tourism industry, ICTs, etc).
- Initiate sensitisation programmes to address stigmatisation and discrimination of victims, in order to improve reintegration into families and communities. Enlist the support of local government, religious leaders and tribal elders.

LEGAL FRAMEWORK, ACCOUNTABILITY AND LAW ENFORCEMENT

Recommendations at National Level

- Prepare a comprehensive child protection policy and a strategy on how to implement it.
- Ratify international legal instruments for the protection of child rights and harmonisation of national laws.
- Set up mechanisms to monitor progress and implementation of the laws that are put in place.
- Coordinate child helplines and use the information for improved law enforcement.
- Introduce child-friendly services within the law enforcement.

Recommendations at Regional Level

- Prepare bilateral agreements for response, assistance and reintegration for victims.
- Sign Memorandum of Understanding (MoU) to facilitate implementation of bilateral or multilateral agreements.
- Set standard operating procedures for trafficking, repatriation and integration.
- Have an extradition treaty in place with no dual criminality provision in the region.
- Introduce a special judicial system at regional level.
- Set up regional hotlines for children.
- Strengthen cross-border and joint investigation, legal support and care.
- Encourage voluntary repatriation.
- Monitor and follow-up regional commitments (on commercial sexual exploitation of children) arising from the Mid-Term Review held in 2004 in Colombo and Dhaka.
- Set up an effective regional monitoring system for child rights, including the implementation status of national plans of action, time frames, effective resource allocation and coordination, and other commitments.

HOLISTIC INTEGRATED INTER-SECTORAL POLICIES

- Establish a national level multi-sectoral body with multi-ministerial representation (including a planning commission) under the leadership of a focal ministry that will coordinate and facilitate planning of individual ministries to implement a national child protection policy/strategy for child protection.
- Include participation from relevant ministries, child representatives (from various backgrounds), civil society and other relevant actors in the multi-sectoral authority.
- Assign the multi-sectoral authority to supervise progress and extend technical assistance; hold a collective fund for multi-ministerial initiatives; and work at the central level and be represented at every tier of administration (as deemed appropriate by the states).
- Establish MoUs and protocols to facilitate and reinforce collaboration between and within ministries and across ministries, with the involvement of children, civil society and other actors.
- Fund continual awareness raising, sensitisation and capacity building of all relevant actors (children and adults, policy makers and professionals) and mobilise resources from institutional actors to community level so that a multi-sectoral approach can be sustained and taken forward.
- Involve children actively and build their capacity to participate in planning, monitoring and when appropriate, in service delivery (peer support, etc.).
- Establish direct reporting and assistance mechanisms for children (such as help-lines, ombudsman, etc.) to facilitate the provision of information and respond to issues related to children.
- Allocate a sufficient budget for implementing national child protection systems and strategies.

STRATEGIES AND GOALS FOR REGIONAL AND INTERNATIONAL COOPERATION

- Recognise the importance of improved regional and international cooperation for cross-border actions.
- Reinforce the SAARC task force mechanism through stronger linkages with SAF; implement standard operating procedures; fine tune and harmonise, in the regional context, support through enabling legislation; and involve NGOs and the private sector.
- Explore the role of civil society as a watchdog.
- Enhance regional and international cooperation.
- Broaden the SAARC Convention to include aspects of sexual abuse other than prostitution.
- Ensure the signature and ratification of the Palermo Protocol and ILO Convention No. 182 on the Worst Forms of Child Labour.
- Train people working with and for children on child rights, issues and child-friendly behaviours.
- Integrate child participation in all policies and programmes
- Set up a common child helpline number across the region (1098).
- Harness media and modern communications as a powerful tool to combat sexual abuse and exploitation, including pornography.

Commercial sexual exploitation of children is when a child is forced or lured by an adult to get involved in prostitution, pornography, child-sex tourism or other sexual activities in exchange for money or gifts.

- Definition of CSEC by participants of the Children's Preparatory Forum

Cross-Cutting Recommendations

1. People working with and for children should be more aware of and trained in child rights issues and child-friendly behaviours.
2. Child participation should be integrated in all policies and programmes and budgetary allocations should be ensured by governments and international agencies to secure sustainability.

Theme 1: Recommendations from Children on Forms of Commercial Sexual Exploitation of Children and its New Dimensions

1. Governments should enact laws against child pornography, child-sex tourism and child marriage and ensure their effective implementation and include children and youth in raising awareness on these issues.
2. Governments should incorporate information on CSEC into academic curricula, including providing free education and educational materials, as well as lend support to child- and youth-led peer support programmes in schools.
3. Governments should conduct research on CSEC to collect data on the number of children involved and other relevant information involving children, where appropriate. Follow-up actions should be taken by governments based on the research findings.
4. Governments should work in partnership with non-governmental organisations to provide comprehensive rehabilitation and reintegration programmes, with the involvement of children and youth.
5. The quality of care in existing rehabilitation homes/centres should be improved and new homes/centres should be established where they do not exist.
6. Children and youth should participate in committees supervising care and protection services.

Theme 2: Recommendations from Children on Legal Framework, Accountability and Law Enforcement Relating to Sexual Exploitation

1. Governments should enact laws against child pornography, child-sex tourism and child marriage, ensure their effective implementation, and include children and youth in raising awareness on these issues.
2. Legislation should include strict punishment for traffickers.
3. Governments should enact policies and interventions to encourage families to accept rescued children, as well as provide incentives for families to ensure that children remain with their families. Governments should encourage local communities to form vigilance committees in all villages.
4. Governments should support youth advocacy groups and consult children and youth in all matters that affect them, including formulating legal frameworks for prevention, rehabilitation and reintegration.
5. Child pornography and obscenity should be prohibited from television, movies and all forms of media.
6. The quality of care in existing rehabilitation homes/centres should be improved and new homes/centres should be established where they do not exist.
7. Children and youth should participate in committees supervising care and protection services.
8. Government should mobilise media to ensure birth and marriage registration so that children can be protected from early and forced marriages and from trafficking.

Theme 3: Recommendations from Children on Strategies and Goals for Regional and International Cooperation

1. The media should be informed and educated on the importance of depicting positive stories of survivors.
2. Governments should work with local communities and children to increase anti-trafficking vigilance activities in border areas.
3. Children and youth, including survivors, should work with police at border check points to identify traffickers.
4. SAARC Governments should work in partnership with non-governmental organisations to provide comprehensive rehabilitation and reintegration programmes, with the involvement of children and youth.
5. SAARC Governments should encourage media to produce information, education and communication materials based on success stories of CSEC survivors in order to enable and encourage survivors to regain their self-confidence, reintegrate into societies and raise public awareness on the issue.

COMMENTS AND COMMITMENTS MADE AT THE SOUTH ASIA FORUM REGIONAL PREPARATORY CONSULTATION

“ I wish for the success of consultation in bringing about positive changes in the lives of all children of South Asia. Nepal is in the process of political, economic, social and cultural transformation. (...) The government is focusing its efforts for our speedy and sustained socio-economic development of the country. It is the fact that children are the most important section of the society. It has not escaped our attention because of their vulnerability. Children in our region are being subjected to sexual abuse and exploitation in various forms. ”

Dr. Bhattarai, Finance Minister, Nepal

“ I want to say something about the children’s preparatory meeting that was held in Kathmandu between 24 and 26 August 2008. We children of the region discussed together and came up with recommendations. There is lack of basic necessities like lack of shelter, food, clothes, education and lack of protection mechanisms for children. Hence, children’s active participation is critical while addressing these issues. I hope all the participants carry out deliberations by keeping in mind these issues. ”

Girl, 18 years of age, Nepal

“ The problem of sexual exploitation of children is made more complicated by conflicting definitions of trafficking and sexual exploitation and with legal age of children, legal age of adulthood, legal age of sexual consent. The governments in the region need to address this immediately according to the CRC. ”

Girl, 15 years of age, India

“ We must take the task of this consultation with seriousness of purpose and look at look at emerging trends and needed responses based on the experience which our work in this region has garnered. I look forward to the active participation of all delegates. Our goal in all instances is to strengthen ongoing work and to have a real impact on the protection of children against commercial sexual exploitation that extends far beyond this meeting and the World Congress event itself.”

Ms. Carmen Madrinan, Executive Director of ECPAT International

“ I do believe that our collective efforts will be instrumental to ensuring the rights of children in the region and for positive changes in the life of the children of our region.”

Mr. Dev Prasad Gurung, Nepal's Minister for Law, Justice and Constituent Assembly Affairs

“ We all know sexual exploitation against women and children is one of the most heinous crimes in the world, which causes big psychological and physical punishment and it is a wider violence against humanity.”

Wasil Noor Muhmand, Deputy Minister for Social Welfare, Martyred and Disabled; Government of Afghanistan

“ To ensure a good partnership, we need commitment, collective commitment. It is our moral responsibility too to protect children from Sexual Exploitation. ”

*Dr. Kamal Abdul Naser Chowdhury, Additional Secretary,
Ministry of Social Welfare, Bangladesh*

“ If we can globalise an economic crisis, if we can globalise trafficking and sexual exploitation of children, if we can globalise terror, we can certainly globalise compassion. That’s what we must do and that is what is needed. ”

Bhuwan Ribhu, Child Rights Activist

“ Traffickers are smart. They are in a business. They do not traffic just any child. It’s very much like lions going after antelopes. They do not attack the strongest antelopes. They attack the weaker ones. Now, what makes some girls weak? The 2006 research showed this happens when there is a breakdown in the family and community protection system before the trafficker arrives. ”

Mr John Frederick, expert on child trafficking

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- i ECPAT International. Situational Analysis on Child Sex Tourism in India, Nepal and Sri Lanka. 2003. Also recent study with CWIN Nepal and Equations in India show strong link between prostitution of children including boys and tourism. 2008
 - ii ECPAT International. Global Monitoring Reports on the Status of Action against Commercial Sexual Exploitation of Children in Bangladesh, India, Nepal, Pakistan and Sri Lanka. 2007

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