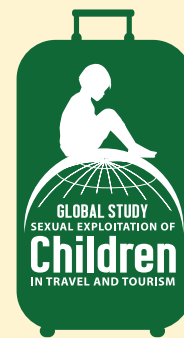


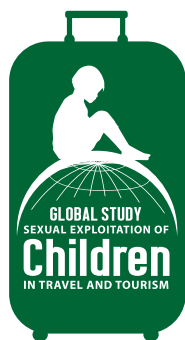
GLOBAL STUDY ON SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

REGIONAL REPORT

SOUTH ASIA

2016





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The regional report on Sexual Exploitation of Children in Travel and Tourism in South Asia was conducted and written by Johanna Wallin.

The research was conducted in the framework of the Global Study on Sexual Exploitation of Children in Travel and Tourism. More information can be found in www.globalstudysectt.org.

The views expressed are those of the author and do not necessarily reflect those of ECPAT International or any of the donors.

June, 2016

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The Global Study has been made possible with the financial support from the Ministry of Foreign Affairs of the Netherlands through Defence for Children – ECPAT Netherlands



Ministry of Foreign Affairs of the
Netherlands



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ACKNOWLEDGEMENTS

ECPAT would like to thank the South Asian members of the ECPAT Network for their support and input in the research. The network members provided valuable and actual information from the ground that helped shape this report. Consultations with the network were organised at an ECPAT International South Asia Network Meeting organised by STOP India on 24-26 March 2015 in New Delhi, India. The 27 participants were invited to provide their comments and suggestions to the draft report, that was presented at the meeting. Special thanks goes out to Joyatri Ray who facilitated the consultation.

Valuable input was provided by Dr. Eliana Riggio Chaudhuri, both at the consultation and for the research report.

ECPAT also thanks researchers Aurélie Durand, Eszter Parkanyi and Mohammed Sesay for providing research assistance.

Finally, we are grateful to DCI/ECPAT Netherlands for their trust in ECPAT International to conduct the Global Study on Sexual Exploitation of Children in Travel and Tourism of which this report is part.

FOREWORD

More children than ever are at risk of being sexually exploited by travellers and tourists and no country is immune. Since the early 1990s when evidence came to light that European nationals were sexually abusing and exploiting children in developing countries, sharp increases in travel and tourism have multiplied the opportunities and venues available to travelling child sex offenders worldwide.

An emerging destination for international tourists, South Asia recorded an impressive seven percent growth in the arrival of foreign visitors in 2014. Moreover, domestic travel has steadily increased within the region, thanks to a flourishing middle class. Hence, tourism is now a major source of income for many South Asian countries. The increased travel and the explosion of the internet and mobile technology has afforded perpetrators anonymity and hidden pathways to groom children and seduce them via social media and internet games. Likewise, new travel and tourism services like home-stays, voluntourism and the *shareconomy* have increased this anonymity and heightened children's vulnerability.

However, progress has been made since the First World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996. Twenty years later, world leaders from nearly every country in the world have approved global targets to address the sexual exploitation of children in the Sustainable Development Goals, which replace the Millennium Development Goals from 2016 onwards. Thus, goal 16 of the SDGs, namely to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”, is notably to be reached by “ending abuse, exploitation, trafficking and all forms of violence and torture of children” as stated in Target 16.2. The world has recognised that we cannot allow children to fall victim to this devastating experience, which has life-long consequences on their mental and physical well-being.

This report provides an updated picture of the environment in which sexual exploitation of children in travel and tourism persists in South Asia and proposes a set of recommendations to improve government, non-government and private sector responses to prevent and combat this crime. As such, it will assist in the realisation of the Sustainable Development Goals related to children's right to live free from sexual exploitation.

After twenty five years of working on the issue, ECPAT cannot emphasise enough how important it is to join efforts and take advantage of multi-sector cooperation to fight this deplorable trend. This report is an open invitation to work with ECPAT and its partners and join the fight against sexual exploitation of children in travel and tourism because together we can eliminate this crime and make childhood safe again.



Ms. Sumnima Tuladhar
ECPAT Regional Representative
for South Asia

ACRONYMS

ADB	Asian Development Bank	HIV/AIDS	Human Immunodeficiency virus/Acquired Immunodeficiency deficiency syndrome
AIHRC	Afghan Independent Human Rights Commission	HTTCA	Human Trafficking and Transportation (Control) Act 2007
ATSEC	Action against Trafficking and Sexual Exploitation of Children	ICMEC	International Centre for Missing and Exploited Children
BCP	Bhutan's Children's Parliament	ICP	Indian Penal Code
BSAF	Bangladesh Shishu Adikhar Forum	ICPC	International Child Protection Certificate
CAA	Child Adoption Act	ICSE	International Child Sexual Exploitation Image Database
CBATN	Cross Border Anti-Trafficking Network	ICT(s)	Internet and Communication Technologies
CAN	Computer Association of Nepal	IJM	International Justice Mission
CCO(s)	Children's Complaints Offices	ILO	International Labour Organization
CCPA	Child Care and Protection Act (Bhutan)	INCIDIN	Integrated Community and Industrial Development Initiative in Bangladesh
CCWB	Central Child Welfare Board	INHOP	International Association of Internet Hotlines
CEFM	Child/Early/Forced Marriage	INTERPOL	International Criminal Police Organization
CEOP	Child Exploitation and Online Protection Centre	IOM	International Organization for Migration
CETS	Child Exploitation Tracking System	ISP(s)	Internet Service Provider(s)
CFPSS	Child and Family Protection Services (Maldives)	ISPAN	Internet Service Providers Association Nepal
CIF	Childline India Foundation	ITPA	Immoral Trafficking Prevention Act (India)
CPAN(s)	Child Protection Action Networks	LTTE	Liberation Tigers of Tamil Eelam
CPMIS	Child Protection Management Information System (Pakistan)	MMS	Multimedia Message Service
CRC	Convention on the Rights of the Child	MoHA	Ministry of Home Affairs
CRIN	Child Rights International Network	MoWCA	Ministry of Women and Child Affairs (Bangladesh)
CSE	Commercial Sexual Exploitation	MoWCSW	Ministry of Women, Children and Social Welfare
CSEC	Commercial Sexual Exploitation of Children	MWCD	Ministry of Women and Child Development (India)
CSO(s)	Civil Society Organisation(s)	NACG	National Action and Coordinating Group against violence against women and children
CST	Child Sex Tourism	NCC(s)	National Coordinating Committees
CWC	Child Welfare Committees	NCO(s)	National Child Offender Register
CWIN	Child Workers in Nepal	NCPA	National Child Protection Authority
CWISH	Children and Women in Social Services and Human Rights (Nepal)	NCWC	National Commission for Women and Children
DCWB(s)	District Child Welfare Boards		
ECB	Election Commission of Bhutan		
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes		
Equations	Equitable Tourism Options		
FIT	Forum for Information Technologies (Nepal)		
GDP	Gross Domestic Product		

NCCWD	National Commission for Child Welfare and Development	SAPI	South Asian Partnership International
		SCF	Save the Children's Fund
NCWCD	National Council for Women and Child Development (Bangladesh)	SECO	Sexual Exploitation of Children Online
		SECTT	Sexual Exploitation of Children in Travel and Tourism
NGO(s)	Non-Governmental Organisations		
NNAGT	National Network Against Girl Trafficking	SMS	Short Message Service
NPA(s)	National Plan of Actions	SPARC	Society for the Protection of the Rights of the Child
OHCHR	Office of the High Commission of Human Rights		
		STD(s)	Sexually Transmitted Diseases
OPSC	Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography	S/VAC	Sexual Violence against Children
		TdH	Terre des Hommes
PATA	Pacific Asia Travel Association	UAE	United Arab Emirates
PEACE	Protecting Environment and Children Everywhere	UN	United Nations
		UNFPA	United Nations Population Fund
POCSO	Protection of Children from Sexual Offences Act (India)	UNDP	United Nations Development Programme
		UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
PPC	Pakistani Penal Code		
PSHTA	Prevention and Suppression of Human Trafficking Act	UNICEF	United Nations Children's Fund
		UNODC	United Nations Office on Drugs and Crime
PTA	Pakistan Telecommunications Authority		
RRRI	Rescue, Recovery, Repatriation and Integration taskforce (Bangladesh)	UNTCO	United Nations Convention against Transnational Organized Crime
		UNWTO	United Nations World Tourism Organization
SAACH	South Asia Association of Child Helplines		
SAARC	South Asian Association for Regional Cooperation	VAC	Violence against Children
		VCD	Video Compact Disc
SACG	South Asia Coordinating Group on Action against Violence against Children	VGT	Virtual Global Taskforce
		WHO	World Health Organization
MoLSAMD	Ministry of Labour, Social Affairs, Martyrs and Disabled (Afghanistan)	WTNCP	World Tourism Network on Child Protection
SAF	South Asia Forum for ending violence against children		
		YPP	Youth Partnership Program for Child Survivors of Commercial Sexual Exploitation
SAFAHT	South Asia Forum against Human Trafficking		
SAIEVAC	South Asian Initiative to Prevent Violence against Children		

EXECUTIVE SUMMARY

In 2014, 17.1 million international tourists visited South Asia, a region representing eight countries: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. Additionally, the United Nations World Tourism Organization (UNWTO) reports that most tourists visit destinations within their own region, and South Asia further shows a steady increase in domestic travellers. With a variety of social fabrics, the current and forecasted exponential growth in tourism arrivals is not equal across the eight countries. Yet, globalisation is causing profound social and economic changes that challenge current social norms and values. As child protection measures in South Asia are relatively weak, the rapid regional changes bring with them some negative impacts of growth.

Sexual exploitation of children in travel and tourism (SECTT) is one of these negative side effects. The phenomenon closely intertwines with various other forms of commercial sexual exploitation of children (CSEC), and is a product of a complex interplay between a range of socio-economic factors at all levels of society. Twenty years after the inaugural *World Congress against the Commercial Sexual Exploitation of Children*, SECTT still persists despite several international, regional, national and local level initiatives to address the issue. There are several indicators that the phenomenon is in fact gaining both in size and complexity, as expanding infrastructure and growing ICT usage help facilitate not only travel, but travel for the purpose of child sexual exploitation. It is important to stress that the travel and tourism industry cannot be blamed for the existence and prevalence of SECTT. However, the industry may facilitate SECTT through perpetrators utilising the tourism infrastructure to access vulnerable children.

This regional study aims to synthesise the most recent data and research pertaining to SECTT in South Asia. The study provides an evidence-based discussion and analysis of SECTT in the region, highlighting trends, initiatives and possible combative efforts. The purpose is to contribute to the Global Study on the Sexual Exploitation of Children in Travel and Tourism, with a view to inform future actions by multiple stakeholders ranging from governments to the private sector and civil society actors.

There is a severe lack of evidence-based information on the relations between the travel and tourism industry and CSEC in South Asia. Whilst traditional destinations for foreign child sex offenders, such as South East Asia, begin to tighten up legal frameworks and child-protection

structures, South Asian countries are just beginning to slowly acknowledge and tackle SECTT. Sri Lanka, as an exception, has long experienced issues of SECTT, in particular with regards to foreign child sex offenders. However, though little data exists, anecdotal evidence and cases suggest that SECTT has moved beyond traditional locations and become apparent in more of the region's countries, especially India and Nepal.

Until recently, SECTT was primarily seen as relating to foreign child sex offenders. This is still very much the perception in South Asia. However, there is a growing realisation of the impact of the national and regional travelling industries on children's lives. The various types of offenders are linked to the diversification of the travel and tourism industry, expanding beyond the beach resorts to include locations off-the-beaten-track, and 'doing-good' holidays in terms of 'voluntourism'. Additionally, the mobility of South Asia's population has led to a complex myriad of infrastructural intersections, with train and bus stations becoming busy hubs of people 'moving-through'. These locations attract migrating children, as job opportunities are many, similar to the situations at tourist destinations. Children travel for work and opportunities, and often end up in informal sectors in which they are likely to interact with a multitude of strangers. This puts them at-risk of encountering child sex offenders. The spaces where children are vulnerable to SECTT are growing.

In a similar manner the sex industry is evolving. Transnational and local child sex offenders are gaining access to vulnerable children beyond the traditional brothel and street-based environment, as the entertainment sector is expanding. The growth in the establishment-based sex industry, such as through dance bars, karaoke venues, massage parlours and cabin restaurants, is astounding. This trend will have a large impact on how combative efforts to child sexual exploitation are considered and implemented. Cases show that many of these establishments are accessed via intermediaries such as rickshaw and taxi drivers, hotel staff and other children working in the areas.

Children are thus accessed both through the establishment-based industry and through direct or facilitated solicitation of children living and/or working in public spaces. Both boys and girls are vulnerable in the region. Girls are more commonly trafficked or in other ways sold into the formal sex industry, and are thus more likely to end up in brothels and other establishments. Boys appear to be more exposed in public spaces, as social

norms in the region often mean that boys experience a higher degree of freedom than girls. Boys are thus more likely to encounter child sex offenders through interactions with strangers. As the social fabric of the region is changing, girls may become increasingly vulnerable to sexual exploitation in the public sphere. Studies to date of the region have focused more on boys and SECTT, while research on girls has been more linked to trafficking and brothel-based exploitation. There are huge gaps in research for the various situations and scenarios experienced by boys and girls, all children whom are vulnerable to SECTT albeit potentially in different forms.

Another area of concern is the infiltration of transnational child sex offenders of pseudo-care professions such as orphanage-work and teaching. Although South Asia has begun to develop minimum standards of care and monitoring requirements for child-organisations and homes, the rigidity of these child protection programmes is lacking. Children without appropriate care are highly vulnerable in the region, as the growing demand for 'voluntourism' and the donor focus on childcare has created a demand for 'orphans'. This results in an increasingly affluent trafficking industry.

Lastly, South Asia has, and is, experiencing a rapid growth of ICT usage. ICTs help facilitate access to vulnerable children by child sex offenders through the sharing of tourism-related information and offenders being at decreased risk of getting caught as communication can be made via intermediaries. Children are thus at times kept in suburbs or off-site locations, complicating law enforcement efforts.

South Asia has made immense progress towards strengthening child protection and combating CSEC in the past few years, but is yet far off from a comprehensive framework. There are few initiatives that directly target SECTT, instead it is incorporated into wider CSEC or violence against children programmes. At a regional level, SAIEVAC has acknowledged SECTT in its recent 2010-2015 work plan; however, there is little evidence as to the effect of these efforts. At a national level, there has

been an increased commitment to address issues of child exploitation, evident through work plans, establishment of coordination and cooperation mechanisms and the revision and introduction of legal frameworks. However, the capacity of governments to combat SECTT seems varied, and there is next to no comprehensive monitoring and evaluation of current efforts making it challenging to assess the existing systems. Thus, although localised support services for children who are vulnerable to, or victims of, CSEC have been strengthened, for example through the growing Childline initiatives, much of the implementation and promotion is still reliant on NGOs and CSOs. There is no dearth in initiatives. To date, the region widely lacks comprehensive data collection or coordination systems and as such law enforcement is weak and implementation efforts often lacking. Thus, in spite of growing efforts, SECTT appears to be increasing. Whether this is in fact the case or it simply is more visible due to better reporting, the reality is that a significant number of children in South Asia are at risk of sexual exploitation that relates in one way or another to the travel and tourism industry.

Recommendations

This report aims to respond to the gaps and trends emerging from a situational analysis on SECTT in South Asia, providing a set of recommendations. Information and data is challenging to access for the South Asian context, partly because not much research has been carried out and partly due to sources often being inaccessible, and secondary sources at times lacking in reliability. The recommendations from this study thus offer a framework to reinvigorate efforts in the region by actors across the spectrum.

These recommendations focus on:

International and Regional Instruments and coordination; Legal Frameworks and Law Enforcement; Understanding and Addressing Current and Emerging Trends; National Plans of Action and Policy Development; and Corporate Social Responsibility and the Engagement of the

CHAPTER 1

INTRODUCTION: SECTT IN SOUTH ASIA

CONTEXT

As the world's largest industry, representing one in 11 jobs, tourism is today the fastest-growing economic sector in the world.¹ In 2014 international tourists exceeded 1.1 billion.² In line with the expansion and diversification of the tourism industry, many new destinations have emerged, one of them being South Asia. The region, representing eight countries: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, has diversified as a travel and tourism destination, offering everything from luxury resorts to eco tourism. As of 2014, 17.1 million international tourists visited the region,³ equating to a market share of 1.5%.⁴ Together with North-east Asia, South Asia recorded the strongest growth in the arrival of international tourists, at an impressive 7%.⁵ Thus, for many countries in the region, tourism represents a major income generator. However, the degree of international tourism varies among countries. While India, Sri Lanka and Maldives represent the basis for the strong regional growth of 7% in international tourist arrivals, Bangladesh has experienced a continued decrease in international tourist arrivals, going from a total of 303,000 in 2010 to 148,000 in 2013.⁶ Further, the United Nations World Tourism Organization (UNWTO) reports that most tourists visit destinations within their own region.⁷ Travel and Tourism connects people not only internationally, but

also regionally and domestically. Apart from travelling for reasons of leisure, people increasingly visit countries for business purposes and study opportunities, including taking up residence outside one's country of nationality.⁸

Whereas travel and tourism positively impacts the creation of job opportunities and poverty alleviation, it also brings with it some negative side effects. The Sexual Exploitation of Children in Travel and Tourism (SECTT), defined as "the sexual exploitation of children by a person or persons who travel from their home district, home geographical region, or home country in order to have sexual contact with children",⁹ is one of the negative side effects. SECTT does not mean that a traveller necessarily intends to engage with children as the purpose of his/her travel, but can also be the result of opportunities enabling the traveller to do so. Whilst the travel and tourism industry does not cause child exploitation, it has the potential to aggravate the problem through its infrastructures facilitating SECTT. The relation between the Commercial Sexual Exploitation of Children (CSEC) and the travel and tourism industry is thus a highly complex issue. In addition, the socio-economic contexts of many SECTT destinations provide opportunities for the emergence and expansion of exploitative markets. As of March 2015, the report of the 30th meeting of the World Tourism Network on Child Protection stated that the crime has increased

¹ UNWTO (2015), "World Tourism Highlights 2015", Madrid: UNWTO, 3, accessed 15 July 2015, <http://www.e-unwto.org/doi/pdf/10.18111/9789284416899>.

² *Ibid.*, 3.

³ UNWTO, "World Tourism Highlights 2015", 4. The data includes Iran.

⁴ UNWTO, "World Tourism Highlights 2015", 4.

⁵ *Ibid.*, 7.

⁶ *Ibid.*, 9. No data available for 2014.

⁷ *Ibid.*, 12.

⁸ ECPAT International (2014), *The Commercial Sexual Exploitation of Children in South Asia: Developments, Progress, Challenges and Recommended Strategies for Civil Society*, Bangkok: ECPAT, accessed 10 July 2015, http://www.ecpat.net/sites/default/files/Regional%20CSEC%20Overview_South%20Asia.pdf.

⁹ ECPAT International (2008), *Combating Child Sex Tourism: Questions and Answers*, Bangkok: ECPAT, 9, accessed 1 April 2016, http://www.ecpat.net/sites/default/files/cst_faq_eng.pdf.

and evolved, despite initiatives and actions by actors at national, regional and international levels.¹⁰ Offenders are becoming more and more adept at co-opting the travel and tourism industry as a means for child exploitation. Rather than becoming understood and combatted, SECTT is gaining in complexity.

South Asia is a region with a variety of social fabrics. The eight countries are all members of the South Asian Association for Regional Cooperation, or SAARC for short. The region has experienced rapid social and economic changes, with intensified regional integration and liberalisation of markets that often affect and challenge currently held norms and practices.¹¹ The structural changes can act as determinants of CSEC through increased mobility of capital and labour, the expanded trans-border trade both across national and state borders, urbanisation and the challenge of subsistence economies. When combined with the expansion of technology and a lack of sufficient social safety nets, these changes contribute to a favourable environment for CSEC.¹²

In contrast with these market developments, vast parts of South Asia experience extreme poverty, with a significant proportion of the population often missing out on the benefits of 'development'. Children end up vulnerable due to ambiguous and often ineffective legislation, a lack of national and regional consensus around definitions, and the failure to collectively target key issues and characteristics of CSEC, and in particular SECTT. Moreover, there appears to be significantly less information and reports on SECTT in South Asia, compared to other regions - which themselves are already underresearched. The region is instead often referred to in relation to the more researched South East Asia (SEA), with case studies from SEA representing the whole region.¹³

South Asia has been established as an emerging SECTT destination.¹⁴ Yet, it is difficult to state how many children are victims of CSEC, and there is a clear lack of disaggregation of data on how this relates to travel and

tourism. The tourism industry is commonly considered a vast resource and opportunity for development. As such, countries and stakeholders have been hesitant in coming down on the industry too harshly. Legal definitions and preventive efforts mainly address related aspects of CSEC, such as trafficking and child marriage, whilst measures directly referencing travel and tourism appear to be voluntary in their advertisement.¹⁵ Travel and Tourism in South Asia is expanding, and the industry is predicted to grow at a rate of 6.6% per year. By 2030 international tourist arrivals are expected to reach a total of 36 million.¹⁶ The region has inadequate measures in place for child protection, and those in place rarely take travel and tourism into consideration when implemented. There is a clear need to better understand the relations between CSEC and the travel and tourism industry in order to approach this issue in both a combative and preventive manner. This study represents a critical step towards this goal.

OBJECTIVE

The overall objective of this study is to contribute to the eradication of SECTT, by providing region-specific knowledge guiding and enabling decision-making and further research.

The study also seeks to:

- Provide an updated picture of SECTT for South Asia, particularly emphasising emerging trends and new developments;
- Offer, where possible and available, statistical data and figures on child victims and travelling sex offenders, and highlight gaps in data availability;
- Map and assess current international, regional, national and local responses to SECTT including, but not limited to: legislation, sensitisation campaigns, capacity building and a range of measures and interventions by different stakeholders to address the challenge; and
- Underline a set of recommendations specific to the situation in South Asia and the wider issue of SECTT.

¹⁰ UNWTO (2015), "Report of the 30th meeting of the World Tourism Network on Child Protection" (ITB Berlin, Germany, 6 March 2015), Madrid: UNWTO, accessed 15 July 2015, <http://dtxqt4w60xqpw.cloudfront.net/sites/all/files/docpdf/30thmeetingreportoftheworldtourismnetworkonchild-protectionrevnm.pdf>.

¹¹ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies.

¹² Ibid.

¹³ See for example: The Protection Project (2007), *International Child Sex Tourism: Scope of the Problem and Comparative Case Studies*, Washington D.C.: The Protection Project of The Johns Hopkins University Paul H. Nitze School of Advanced International Studies, accessed 8 July 2015, http://www.protectionproject.org/wp-content/uploads/2010/09/JHU_Report.pdf.

¹⁴ ECPAT, *Combating Child Sex Tourism*, 7.

¹⁵ ECPAT International (2012), "Corporate Social Responsibility: Strengthening Accountability in the Fight Against Sexual Exploitation of Children", Bangkok: ECPAT, accessed 3 August 2015, http://www.ecpat.net/sites/default/files/ecpat_journal_oct_2012.pdf.

¹⁶ UNWTO, "World Tourism Highlights 2015", 15.

JUSTIFICATION

It has been twenty years since the First World Congress against the Commercial Sexual Exploitation of Children, held in Stockholm in 1996. International commitments since then have been renewed both through the 2001 Yokohama Global Commitment, and the 2008 Rio Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents. Yet, in spite of combative measures, SECTT appears to be increasing. Whether this growth is real or simply more visible due to better reporting, the reality is that a significant number of children in South Asia are at risk of sexual exploitation that relates in one way or another to the travel and tourism industry.

There is a severe lack of evidence-based information on the relations between the travel and tourism industry and CSEC in South Asia. Little research has focused on the particular conditions of travel and tourism for CSEC. Furthermore, while some quantitative research exists, it is not sufficient to provide a comprehensive picture. There is a lack of disaggregated data, not only between SECTT and other CSEC offences, but on demographic characteristics of offenders, as well as of children affected by SECTT.

The South Asian nations have signed and ratified the key international instruments pledging to commit to the protection of children, and have further increasingly paid attention to regional and national intermediate and underlying causes of CSEC. However, high levels of inconsistency and ambiguity exist in how definitions and approaches are implemented across the region. In a region where the socio-economic reality is rapidly changing, and SECTT appears to be increasing, it is of essence to critically assess and highlight the current situation and emerging trends.

This regional study will contribute to effective decision-making and future research on SECTT through the provision of evidence-based knowledge. The study is part of the Global Study on the Sexual Exploitation of Children in Travel and Tourism, completed in 2016.

METHODOLOGY

The study takes the form of a desk review of secondary data relevant to South Asia. Through the consultation of articles, reports, policy briefs, legislation, programme evaluations and unpublished reports on SECTT, human trafficking, migration, and other forms of CSEC, the report aims to synthesise available materials for the region. Important resources were the two primary research projects conducted by Sanlaap and Equations in the framework of the Global Study on SECTT. Sanlaap with their report on West Bengal (2015) and Equations with their report on Goa (2016).

LIMITATIONS

While there are often inquiries about statistics and figures for SECTT, it is at this stage difficult and premature to quantify those involved in SECTT, and thus to assess the magnitude of the problem. Given the taboo of the issue, most findings tend to be qualitative. Studies to date are not comprehensive. Ethnographic studies with relatively small sample sizes are often used to generalise wider findings and trends. Whilst this report is based on data and information from a variety of sources, there is a gap in some areas due to non-availability of data. Hence, the researcher has been careful in interpreting the data to not make wide generalisations, in particular with regards to cross-regional statements. The report, while discussing regional trends and developments, also wishes to highlight the heterogeneity of contexts for SECTT in the region. The limitations of existing data on SECTT should be kept in mind when consulting this study.

CHAPTER 2

SECTT: TERMINOLOGY AND LINKAGES

The United Nations Convention on the Rights of the Child,¹⁷ adopted on the 20 November 1989, defines a child as “ [...] every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”.¹⁸ This definition, alongside most of the language and terminology relating to the rights and protection of children shows ambiguity, and has hardly been universally harmonious. Definitions further differ within countries, as different documents and legislation use varying language. In order to effectively address the SECTT, and the sexual exploitation of children more generally, it is of essence to address this inconsistency in terminology and language. For the purpose of this report, this chapter aims to briefly outline the debates on terminology and language with regards to SECTT, and discuss linkages with other aspects of the commercial sexual exploitation of children (CSEC) in order to efficiently address the context of South Asia in the remaining chapters.

TERMINOLOGY

While the CRC defines a child as any person less than 18 years, South Asia has shown a lack of uniform definition of age, and how it relates to other acts of the convention. The region specifies different ages at which young people can work, marry, and reach adult status under the law. Furthermore, laws are often gendered. The civil law in Afghanistan mandates the legal age for marriage as 18 years for boys and 16 years for girls. To complicate the matter further, Sharia law, which is operating in the country, goes by the age of puberty.¹⁹ Thus, different cultures have various understandings not only of who a child is, but what childhood entails.

However, South Asian countries, as signatories to the CRC, have subscribed to protect all children under the age of 18. As stated in article 19: “State Parties shall take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”.²⁰ The measures taken by countries to combat SECTT will thus be evaluated in this report based on the CRC definition of a child. Still, it is of relevance to highlight and emphasise the importance of various conceptions of the meaning of ‘child’ and ‘childhood’, not solely in legislation but in the social realities of children in the region, since it can have an effect on the efficiency of implemented measures to combat SECTT and CSEC. It is with this in mind that the report will be cautious while using the term ‘victim’. Children are victims of SECTT, and this term will be used, but the careless use of ‘victim’ in relation to other areas, such as child labour and migration, diminishes the importance of children’s own voices and participation in their own lives.

The CSEC concerns criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children.²¹ It refers to any sexual abuse by adults of children and young people under the age of 18, and the remuneration in cash or in kind directly to the child or to a third person or persons. CSEC was first highlighted as a global issue at the Stockholm World Congress against Commercial Sexual Exploitation of Children in 1996. CSEC can manifest in many ways: including exploitation of children through prostitution, sexual abusive images of children and the trafficking of

¹⁷ From here on referred to as the CRC.

¹⁸ Article 1, UN Convention on the Rights of the Child (1989), accessed 4 July 2015, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

¹⁹ SAIEVAC (2013), “Solidarity for the Children of SAARC. Child Marriage in South Asia: Realities, Responses and the Way Forward”, Kathmandu: SAIEVAC, 7, accessed 4 August 2015, http://resourcecentre.savethechildren.se/sites/default/files/documents/child_marriage_paper_in_south_asia.2013.pdf.

²⁰ Art. 19, CRC.

²¹ Subgroup Against the Sexual Exploitation of Children (2005), *Semantics or Substance? Towards a Shared Understanding of Terminology Referring to the Sexual Abuse and Exploitation of Children*, 60, accessed 2 July 2015, <http://ecpat.net/sites/default/files/Semantics%20or%20Substance.pdf>.

children for sexual purposes. Additionally, the sexual exploitation of children in travel and tourism, and some instances of child marriage, are increasingly considered parts of this global concern.

The focus of this study, SECTT, thus forms a part of CSEC. SECTT is linked to wider socio-economic conditions such as the liberalisation of markets, gender relations and the expanding tourism industry.²² It is, however, of essence to stress that the travel and tourism industry cannot be blamed for the existence and prevalence of SECTT. However, the industry may facilitate SECTT through perpetrators utilising the tourism infrastructure to access vulnerable children. Moreover, findings by UNICEF show that “traveling sex offenders may exploit children through informal channels, such as by arranging lodging through locals or foreigners who have migrated and rent out houses or rooms, thereby avoiding the formal tourism industry”.²³ The problem of SECTT stretches across various context and sectors, and preventive and combatting measures must consider the roles of a multitude of stakeholders.

As with other terminology, SECTT has generated a level of confusion. Earlier writings favoured child sex tourism (CST), focusing on the offenders as those travelling from one place to another, usually “... from their own country to another usually less developed country to engage in sexual acts with children”.²⁴ This definition failed to capture the extent of the phenomenon, not fully acknowledging the complexity of SECTT. Firstly, SECTT explicitly acknowledges the exploitative element of ‘child sex tourism’. The shift in terminology also serves to widen the perception and definition of who can be an offender. It includes domestic travellers, as well as those who travel for business or pleasure, and those who move to another country for a brief or extended period of time. The inclusion of both traveller and tourist widens who can be a perpetrator since ‘tourist’ has a tendency to be perceived as someone who is simply ‘passing through’. While tourism involves changing one’s socio-cultural, or socio-economic, environment for a leisurely purpose, travellers can be those who are on the move, such as persons moving for business, truck- and bus drivers and military personnel.

This further urges a move away from the narrow perception of a ‘stereotypical offender’. The mod operandi of persons who sexually exploit children in the travel and tourism context does not solely involve those who travel for this specific purpose. A distinction is to be made between preferential child sex offenders and situational child sex offenders. Whereas the former travel with the objective of CSEC, the situational child sex offender exploits children when the opportunity happens to present itself. Furthermore, although a proportion of preferential child sex offenders can be diagnosed as paedophiles, this is a specific medical diagnosis.²⁵

LINKAGES BETWEEN SECTT AND OTHER FORMS OF CSEC

It is difficult to separate one form of CSEC from another, and it is of importance to acknowledge the interplay between various forms, as well as how one form can lead to another. Causal linkages among determinants of SECTT are thus complex, and there are rather a multitude of intertwined linkages.

Sexual exploitation of children in prostitution, while often linked to SECTT through travellers and tourist visiting red light areas, also includes children employed in the transport industry. A report by ECPAT International from 2014 highlights how this form of exploitation in South Asia often occurs in places of transport infrastructure, such as train stations and bus terminals.²⁶ Furthermore, it involves children who frequent the same locations as travellers, for example roadside dhabas, or service stations.

Another relevant link is between SECTT and child trafficking. Trafficking is a major gateway to CSEC. A large proportion of child trafficking is done with the objective of sexual exploitation, both across national borders and internally, often from rural to urban areas. Whilst trafficking is often carried out by force, there is a high degree of deception involved such as the promise of labour opportunities. When children are trafficked for purposes other than sexual exploitation, such as various forms of child labour, it nonetheless may expose them to situations and contexts in which they become increasingly vulnerable to sexual abuse and exploitation.

²² UNWTO (2001), *The Incidence of Sexual Exploitation of Children in Tourism*, Madrid: UNWTO, 12, accessed 3 July 2015, http://dtxq4w60xqpw.cloudfront.net/sites/all/files/pdf/the_incidence_of_sexual_exploitation_of_children_in_tourism_2001.pdf.

²³ UNICEF Innocenti Research Centre (2012), *Assessing ‘The Code of Conduct’ for the Protection of Children from Sexual Exploitation in Travel and Tourism*, Florence: UNICEF Innocenti Research Centre, 19, accessed 21 July 2015, <http://www.unicef-irc.org/publications/662>.

²⁴ Subgroup Against the Sexual Exploitation of Children, *Semantics or Substance?*, 21.

²⁵ World Health Organization (1993), *The ICD-10. Classification of Mental and Behavioral Disorders. Diagnostic Criteria for Research*, Geneva: WHO.

²⁶ ECPAT, *CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies*, 10.

As for its linkage to SECTT, tourist destinations often provide a multitude of economic opportunities, leading to a higher demand for cheap labour. This makes children and adults more vulnerable to trafficking. Additionally, the infrastructure of travel and tourism can be used for trafficking, and traffickers may thus take advantage of the decreasing costs of transportation.

A recently acknowledged trend is the frequency in which persons who sexually abuse children in travel and tourism produce child sexual abuse material. Child sexual abuse material refers to “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes”, as stated in article 2(c) of the 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC).²⁷ Child abuse images are often referred to as child pornography, however, the Child Exploitation Online Protection Centre (CEOP) has warned against this since the phrase ‘child pornography’ may come to benefit child sexual abusers as it indicates a level of legitimacy and compliance by a child.²⁸

Across South Asia, definitions of child sexual abuse material vary widely, with legislation often referring to immoral depictions, hence emphasising socio-cultural and religious beliefs. ECPAT International stresses the importance of a child-safe definition in which all forms of visual representations, as well as audio-visual recordings depicting children, should be considered. There are hence two aspects of child sexual abuse material, the sexually exploitative act and the materials produced as a record of this act.²⁹ The sexual exploitation of children may thus first occur at the time of production, when a traveller, or tourist, engages in sexual activities with a child. Second, the production of material, whether for

private or commercial use, continues this exploitation for as long as the material is attainable. With the expansion of the Internet, a marketplace for this type of CSEC is created which adds the layer of continuous sexual exploitation of children through persons consuming child sexual abuse material. Children are highly vulnerable to sexual exploitation through child sexual abuse material in the context of travel and tourism. Since perpetrators who supply child sexual abuse material look for locations where they can more easily access children, countries with weak social safety nets and insufficient child protection constitute a high-risk environment for children.

Lastly it is of relevance to a discussion on SECTT in South Asia to highlight its link to child marriage. Child marriage is not always a form of CSEC; however, the frequent exchange of money associated with early marriage means that it may both directly and indirectly relate to CSEC. Early marriage can result in high vulnerability of child brides, if divorced or otherwise abandoned. Moreover, child marriage has been associated with SECTT through the notion of temporary marriages. Under the Islamic tradition of *Seigha*³⁰ a judge can marry a girl off on a temporary basis, the timing and conditions of which is agreed upon in advance. It has been found that a marriage can range anywhere from one hour to 90 years.³¹ Instances have been noted in which a national from one country has travelled to another to marry a girl, a minor, under this pretense.

SECTT is hence highly intertwined with other forms of CSEC. While this chapter has provided a discussion of terminology and linkages relevant to an analysis of SECTT in South Asia, it should by no means be taken as exhaustive or certain. A continued dialogue will facilitate the consensus on terminology that is essential to harmonise regional and national cooperation, allowing more efficient approaches to prevent and combat SECTT.

Temporary Marriage: A Case from India

On the first of August 2007, a 45-year-old sheikh from the UAE approached a broker near Charminar in Hyderabad, India. The broker procured two girls, aged between 13 and 15 for 20,000 rupees (US\$450). Then he hired a Qazi (an Islamic judge) to solemnise the marriage. The Qazi, under the pretense of the Islamic provision of *Seigha*, married the girls off to the sheikh. After the wedding night, the sheikh left and went back to the UAE. – Pipes, Daniel, “Arabian Sex Tourism”, Aina.org, 20 September 2007.

²⁷ UN General Assembly Resolution (2000), “Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography”, UN Doc. A/RES/54/263, 25 May 2000, accessed 4 July 2015, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OP-SCCRC.aspx>.

²⁸ CEOP-NCA, “New trends in child sexual abuse offending reported by CEOP”, 2 July 2013, accessed 18 July 2015, <http://ceop.police.uk/Media-Centre/Press-releases/2013/New-trends-in-child-sexual-abuse-offending-reported-by-CEOP/>.

²⁹ Uddin, Jalal, Hossain, Muhammad Zakir and Mahbub, Farzana (2012), “Vulnerability to Child Pornography and Loopholes in Legislative Frameworks in South Asia”, *ASA University Review* 6, No.2 (2012):197-207.

³⁰ Also spelled: *seegha*, *sigha*, *sighe*; also known as *fegha*, *mutah*, *nikah muta*, *nekah-e-mata* etc.

³¹ Immigration and Refugee Board of Canada, “Afghanistan: whether *seigha* (temporary marriage) is practiced in Afghanistan and by which groups”, 24 October 2012, accessed 20 July 2015, <http://www.refworld.org/docid/5121ecc42.html>.

CHAPTER 3

SECTT: THE CURRENT SITUATION IN SOUTH ASIA

The commercial sexual exploitation of children in South Asia is becoming increasingly complex. This is consistent with the increasing mobility of the region's population, changes in infrastructure and the challenges that rapid socio-economic changes pose to existing norms and ways of life. This chapter will outline the current situation in South Asia (Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka). Some of the key factors affecting the lives of children with regards to SECTT will be discussed, followed by a brief report on the particular situation in each country within the region. Due to the limited amount of material currently available for South Asia, there will only be a marginal discussion for each case study on the development and growth of SECTT.

TRAVEL AND TOURISM IN SOUTH ASIA

The past two decades have displayed an unprecedented growth in international tourism, something that, despite occasional fluctuations, continues to grow at a near uninterrupted growth. In 2014, South Asia welcomed 17.1 million international tourists,³² compared to a total of 12 million in 2010.³³ Moreover, the region has a projection for 21 million international visitors in 2020, and a staggering 36 million by 2030.³⁴

The growth of the travel and tourism industry in the region has been supported by several key factors such as rising incomes, reduction in costs of travel and an expanding middle class. Adding to this has been the rise of the Internet, facilitating diversification of promotion

and arrangements of travel. It has also made the travel and tourism industry that much more competitive, with prices in aviation costs, hotel packages and commodities dropping, leading to tourism becoming a normalised reality for a larger part of the world's population than ever before. The diversification of the travel and tourism industry has further expanded the market, travel options now ranging from luxury resorts, to ecotourism and 'voluntourism'.

South Asia as a region offers a wide range of tourism forms, with countries promoting different niches. However, the region is very diverse and not all countries experience the same level of influx of international tourists. The destinations responsible for the region's strong results in 2014 are India at 11%, Sri Lanka at 20% and the Maldives at 7%.³⁵ In number of arrivals this translated to a total of 7,703,000 visitors to India, 1,527,000 to Sri Lanka and 1,205,000 to the Maldives.³⁶ On the contrary, the number of international tourists to Bangladesh has decreased from 303,000 in 2010 to a mere 148,000 in 2013.³⁷ Another significant change has been experienced by Bhutan, a country that promotes a sustainable tourism agenda in which the number of tourists per year is strictly regulated at a high daily cost.³⁸ As far as statistics go, Bhutan's number of international tourist arrivals has increased dramatically, going from 41,000 in 2010 to 116,000 in 2013.³⁹ Between the years of 2011 and 2012 there was a percentual change of 59% in number of arrivals.⁴⁰ For Bhutan this has translated economically, in receiving US\$89 million in 2014 compared to US\$35 million in 2010.

³² UNWTO, "World Tourism Highlights 2015", 4. The data includes Iran.

³³ Ibid.

³⁴ Ibid., 15.

³⁵ Ibid., 7.

³⁶ Ibid., 9.

³⁷ Ibid.

³⁸ Government of Bhutan, Tourism Council, "Frequently Asked Questions", accessed 11 July 2015, <http://www.tourism.gov.bt/plan/faq>.

³⁹ UNWTO, "World Tourism Highlights 2015", 9.

⁴⁰ Ibid.

In addition to this, there is a high number of domestic travellers in South Asia, in particular for India. In 2013 the country registered a total of 1,145 million domestic tourists, a 9.6% increase from 2012.⁴¹ In comparison, 16.63 million Indian nationals departed for international destinations in 2013, 11.4% more than in the previous year.⁴² With a booming middle class and a rapid increase in disposable incomes, the leisure and recreation tourist sector has continued to grow over the past few years. For some of the region's countries, domestic travelling vastly exceeds international tourism. Bangladesh, for example, generated a total of 97.8% of its direct travel and tourism GDP (US\$ 2.8 billion) from domestic travel spending, compared to a mere 2.2% from foreign visitor spending in 2013.⁴³

POVERTY AND INEQUALITY

Whilst tourism seems to be on the rise in several parts of the region, aggressive economic development policies and competitive strategies have created a fragile environment for many of the region's children. In spite of an annual regional GDP growth of 7.1% in 2014, a large proportion of the population still remains in poverty, and the region faces some of the largest socio-economic differences in the world. Whereas the percentage of people living below the poverty line (\$1.25 per day) in South Asia has decreased tremendously, falling from 44.1% in 2002 to 24.5% in 2011, there is still an immense number below the US\$2 per day line. Poverty is a continuous challenge in South Asia. With its combined population of nearly 1.7 billion,⁴⁴ South Asia hosts about half of the world's poor. Poverty and lack of livelihood are some of the key factors affecting children's vulnerability to sexual exploitation.

MOBILITY AND MIGRATION

As countries in the region often replace subsistence economies with tourism and other sectors, South Asia is increasingly urbanising. Smaller cities are growing as big cities are turning into megacities. Additionally, second-tier cities are emerging across the region.⁴⁵ This is not solely a regional phenomenon. Save the Children's 2012 study 'City Kids - Urbanization and its consequences for children's rights to be protected from abuse, neglect, exploitation and violence' found that over half of the world's population, including a billion children, currently live in urban areas.⁴⁶ This shift from rural to urban significantly affects children's lives. ECPAT's 2011 report on Bangladesh showed that migration-based urbanisation rapidly expands both supply of, and demand for, sexually exploited children.⁴⁷

The rural-to-urban migration is no coincidence, but is a result of the larger problem of scarce opportunities. There is, however, a further pattern of relevance, which is the intra-regional and international migration. A 2012 Asian Development Bank (ADB) working paper 'Worker Migration and Remittances in South Asia' stated that around 1.5 million migrant workers left South Asia in 2010, with a formal remittance revenue of US\$72 billion.⁴⁸ Countries in South Asia are becoming increasingly reliant on these remittances; money that is being returned home. Estimates from the Government of Bangladesh in 2011 showed an approximate 3% of its population to be migrant workers. Bangladesh and Indian migrant workers tend to leave for work in the Middle East, in particular the Gulf States. Nepali workers, on the contrary, make use of the lack of visa policy with India, and the majority of workers migrate to India. This uprooting of families to either urbanise or, for one or more family members to migrate for work, creates a high-risk environment for children. Although migrant workers are able to send money back to their families, they leave behind a household without a solid family unit, something that has shown to increase the risk of children to end up in commercial sexual exploitation.

⁴¹ Government of India, Ministry of Tourism, "India Tourism Statistics at a Glance 2013", New Delhi: Indian Ministry of Tourism, 1, accessed 1 August 2015, <http://tourism.gov.in/sites/default/files/Other/Incredible%20India%20final%202011-7-2014%20english.pdf>.

⁴² Ibid.

⁴³ World Travel and Tourism Council (2014), "Travel & Tourism. Economic Impact 2014. Bangladesh", London: WTTC, 6. (The report is no longer available online).

⁴⁴ The World Bank, "Poverty & Equity. South Asia", accessed 3 August 2015, <http://povertydata.worldbank.org/poverty/region/SAS>.

⁴⁵ Save the Children (2010), Stepping up Child Protection. An Assessment of Child Protection Systems from All Countries in South Asia, Including Reflections from Central Asia, Kathmandu: Save the Children Sweden, Regional Office for South and Central Asia, accessed 2 July 2015, <http://resourcecentre.savethechildren.se/sites/default/files/documents/2780.pdf>.

⁴⁶ UNICEF (2012), Children in an Urban World. The State of the World's Children 2012, New York: UNICEF, p. iv in West, Andy (2012), "City Kids - Urbanization and its consequences for children's rights to be protected from abuse, neglect, exploitation and violence. A Save the Children Discussion Paper", London: Save the Children, accessed 12 July 2015, <http://resourcecentre.savethechildren.se/sites/default/files/documents/6808.pdf>.

⁴⁷ ECPAT International (2011), Global Monitoring. Status of Action against Commercial Sexual Exploitation of Children: Bangladesh. 2nd edition, Bangkok: ECPAT, 10, accessed 9 July 2015, http://www.ecpat.net/sites/default/files/A4A_V2_SA_BANGLADESH.pdf.

⁴⁸ Ozaki, Mayumi (2012), "Worker Migration and Remittances in South Asia", (ADB South Asia Working Paper Series No.12, Manila: ADB), 9, accessed 1 August 2015, <http://adb.org/sites/default/files/pub/2012/worker-migration-remittances-south-asia.pdf>.

Children in poverty are further more likely to migrate, either with their families, individually, or in a group of other children. The most common reason to migrate stated by children themselves is to search for work and better opportunities.⁴⁹ When children migrate with their families it is often due to a desperate need for livelihood options. Albeit staying with the family may provide a safety net, the reality is that children often are forced to work in places such as small roadside eateries, selling trinkets or begging. It is worth acknowledging that whilst boys and girls who migrate alone often are viewed as victims, the reasons for the move are often due to economic, social and political inequalities.⁵⁰ Recent findings have shown that child migration for work does not have to be due to a family malfunction, or trafficking through deception of work, but is linked to the lack of viable options available for young people locally.⁵¹ Still, whilst child migration could thus have a developmental layer, allowing for children to access opportunities otherwise not available to them, the current lack of cohesive child protection and safety nets in South Asia put migrating children at severe risk of exploitation. It is of importance to better understand the reasons why children migrate, and their experiences from migration.

CHILD LABOUR

As tourism destinations often function as, and are perceived to be, economic magnets, it is common for children to migrate to these locations. Additionally,

the flourishing travel and tourism industries increase the demand for child labour. Tourists are often more receptive to children, and are more likely to purchase small artefacts, etc. if sold by a child.⁵² Both children and employers are well aware of this. Studies have shown that children in South Asia tend to be employed in the unorganised sector, working as rag pickers, helpers in small hotels and restaurants, shoe-shiners, beach vendors or as beggars.⁵³ Due to the flexible nature and varied workload of many jobs in the tourism industry, children often begin work at an early age. There is no disaggregated data for the amount of child labour directly tied to the tourist industry, but there have been several qualitative studies. A report by Equations on migrant children in Goa shows in-migration as directly linked to the growth of tourism in the state, with children forming 40% of the migrant population.⁵⁴ Moreover, child workers in the tourism sector face a significant risk of being sexually exploited. Children are brought into contact with unknown tourists and other adults due to the nature of their work, through which they often actively approach strangers.⁵⁵ Combined with the need to earn a living, and sometimes a lack of family network, these children are highly vulnerable to seduction and coercion into sexual exploitation. As a consequence of this realisation, the commercial sexual exploitation of children in tourism is now included in the International Labour Organization's (ILO) definition of worst forms of child labour.⁵⁶

Case Study: SECTT and Commercial Traffic

The truckers complained that they are burdened by erratic and extremely difficult work schedules that leave them little time for rest and recreation. Many times, they are not able to visit their families for several months at a stretch. According to them, their indiscriminate indulgence in sex stems from their frustration and is an indicator of their loneliness. At many roadside hotels where drivers can take rest, sex workers can be accessed. "You can buy anything, provided you can pay for it", a trucker commented. "You can have sex with boys or women, in the dark rooms, tucked behind many of these brightly illuminated driver-hotels", he informed. "And there is no dearth of such establishments on the Grand Trunk Road and Indus Highway, the two main arteries running down from Peshawar to Karachi".

- *Tufail, Muhammad (2005), Commercial Sexual Exploitation of Children. A Situational Analysis of Pakistan, Peshawar: Save the Children Sweden, Pakistan Programme, 4.*

⁴⁹ Boyden, Jo and Crivello, Gina, "Child Work, Schooling and Mobility", OpenDemocracy.net, 17 July 2015, accessed 17 July 2015, <https://www.opendemocracy.net/beyondslavery/jo-boyden-gina-crivello/child-work-schooling-and-mobility>.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Plüss, Christine (1999), *Quick Money Easy Money? A Report on Child Labour in Tourism*, Basel: AKTE, accessed 29 July 2015, http://www.akte.ch/uploads/media/Quick_money_easy_money.pdf.

⁵³ Equations (2008), *Rights of the Child in the Context of Tourism - a compilation*, Bangalore: Equations, 53, accessed 12 July 2015, http://www.equitabletourism.org/files/fileDocuments313_uid10.pdf.

⁵⁴ Equations (2016), "Country-specific report, India: Goa", www.globalstudysectt.org

⁵⁵ Sanlaap (2015), "Country specific-report, India: West Bengal", www.globalstudysectt.org

⁵⁶ International Labour Organization (1999), *Worst Forms of Child Labour Convention, C182*, 17 June 1999, C182.

Another avenue for child labour is found within the wider travel and tourism infrastructure. Children are often found working in roadside dhabas, in bus- and train stations, etc. Studies show how this is especially prominent amongst boys in Pakistan who will work with truckers and bus drivers, something that commonly involves sexual exploitation.⁵⁷ These travel intersections are often the first places children who migrate encounter, and often stay due to the many work opportunities provided at these locations.⁵⁸ At Haji Camp, one of the main bus stations in Peshawar, Pakistan, boys reported that staff from hotels nearby come to the terminal to pick up children for hotel guests; and that this is sometimes done through beatings and coercion.⁵⁹ Relatedly, Sanlaap, an Indian NGO, recently reported accounts of children who have been trafficked for sexual exploitation to highway-hotels.⁶⁰ Connected to the increased integration of the region, both domestically and across borders, many travellers spend a lot of time on the road, or working/studying away from home. Consequently, the sexual exploitation of children as linked to travel and tourism industries is closely related to demand for child labour, lack of local opportunities for children, and the unregulated labour that child work often entails. The vulnerabilities of child workers are intensified due to the settings in which work occurs, where people are on the move and simply 'passing through', as well as through work in which children are required to closely interact with strangers.

GENDER RELATIONS

A lack of recognition of equal rights of women and children can play a key role in creating an environment that encourages sexual exploitation.⁶¹ Inequality is more common in some countries in the region, Maldives and Sri Lanka being slightly better off, and varies immensely between rural and urban contexts. Social norms in South Asia vary widely not only among but also within countries, and within smaller communities in themselves. Yet, gender issues are a prominent challenge for South Asia. Patriarchal systems dominate the region, and gender-based violence is common.

Sexual exploitation is at times ignored due to reasons of protecting family honour. Moreover, in many parts of South Asia, marrying off a girl who has been sexually exploited can be near impossible. Reporting of sexual abuse and exploitation hence tends to be low, and the issue is considered extremely taboo. In terms of relations between the genders, girls are commonly raised to be obedient to their fathers and thereafter their husbands. Relating to customs such as dowry payment as well as labour opportunities, son preference is prominent in the region. This increases the vulnerability of girls, as they are less favoured in terms of nutrition, education and other opportunities. As a result, girls and women often remain dependants of others throughout their lives. A Millennium Development Goal Report from 2013 showed South Asia's female employment to total employment ratio as being among the lowest in the world, the gender difference being near 50%.⁶²

In relation to SECTT, gender relations have not been sufficiently explored as little data exist, and even less gender-disaggregated data. However, some initial insights can be drawn from qualitative studies conducted. It is more common for girls to carry out domestic duties, whereas boys are freer to move around. A report by Save the Children on child sexual abuse in Pakistan indicated that this particular form of abuse was high amongst girls, in spite of the restricted mobility of girls, potentially due to commonly taking place in homes and other places that girls are allowed to frequent.⁶³ On the contrary, boys are allowed more freedom, which may also make them more vulnerable to SECTT. Research indicates that girls might face greater threats of abuse in the private sphere, with boys more vulnerable in the public sphere.⁶⁴ Similarly, the social pressure often faced by boys of having to be in control and strong, might make them ashamed of admitting to having been abused. This may make boys less likely to report a crime.⁶⁵ Lastly, cultures with strong norms against adultery, and those placing a high value on the virginity of women, may enhance the vulnerability of boys to become victims of SECTT as they cannot become pregnant.⁶⁶ Although gender relations are commonly

⁵⁷ Tufail, Muhammad (2005), *Commercial Sexual Exploitation of Children. A Situational Analysis of Pakistan*, Peshawar: Save the Children Sweden, Pakistan Programme, 43, accessed 6 July 2015, <http://resourcecentre.savethechildren.se/sites/default/files/documents/1359.pdf>.

⁵⁸ *Ibid.*, 39.

⁵⁹ ECPAT International and Pakistan Pediatrics Association (2006), *Situational Analysis. Report on Prostitution of Boys in Pakistan (Lahore & Peshawar)*, Bangkok: ECPAT, 46, accessed 18 July 2015, <http://www.humantrafficking.org/uploads/publications/Pakistan.pdf>.

⁶⁰ Sanlaap (2015), "Country specific-report, India: West Bengal", www.globalstudyssectt.org

⁶¹ ECPAT, *CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies*.

⁶² United Nations (2013), *The Millennium Development Goals Report 2013*, New York: United Nations, accessed 13 July 2013, <http://www.un.org/millenniumgoals/pdf/report-2013/mdg-report-2013-english.pdf>.

⁶³ Jabeen, Fahmida and Karkara, Ravi (2006), *Mapping Save the Children's Response to Violence Against Children in South Asia*. 2nd edition, Kathmandu: Save the Children Sweden, Regional Programme for South and Central Asia, 82, accessed 13 July 2015, <http://resourcecentre.savethechildren.se/sites/default/files/documents/1523.pdf>.

⁶⁴ Frederick, John (2010), "Sexual Abuse and Exploitation of Boys in South Asia. A Review of Research Findings, Legislation, Policy and Programme Responses", (UNICEF Innocenti Working Paper IWP-2010-02, Florence: UNICEF Innocenti Research Centre), 10, accessed 7 July 2015, http://www.unicef-irc.org/publications/pdf/iwp_2010_02.pdf.

⁶⁵ Pawlak, Piotr and Barker, Gary (2012), "Hidden Violence: Preventing and Responding to Sexual Exploitation and Sexual Abuse of Adolescent Boys. Case Studies and Directions for Action" (MenCare Briefing Paper, Portland, ME: Oak Foundation), <http://oakfnd.org/documents/8335>.

⁶⁶ Frederick, "Sexual Abuse and Exploitation of Boys in South Asia", 7.

considered to increase the vulnerability of girls, the effects skewed gender relations can have for boys should not be ignored.

CHILD MARRIAGE

Child marriage as a form of CSEC tends to mainly affect girls. In 2012, South Asia accounted for nearly half of all child marriages in the world, the highest prevalence of any region.⁶⁷ Data by UNICEF for the years 2005-2013 show the percentage of women now 20-24 years old who were married before the age of 15, and those who were married before 18. Afghanistan had a percentage of 15% for brides below 15, and 40% for brides between 15-18.⁶⁸ Bangladesh reported 29% versus 65%. Bhutan had a lower percentage of 6% vis-à-vis 26%. India, despite much preventive policy on the matter, indicated 18% for below 15, and 47% for 15-18.⁶⁹ Maldives has no records of brides below 15, and solely 4% for child brides married between 15-18 years.⁷⁰ Nepal displayed statistics of 10% and 41%, Pakistan 3% versus 21%, and Sri Lanka 2% as compared to 12%.⁷¹ Maldives thus has the lowest rate in the region, but there have been reports of child marriages being carried out illegally during travels to Pakistan.⁷² It is difficult to assess the accuracy of data, due to the often hidden nature of early marriages, but it is nevertheless a highly prevalent issue in the region. Child marriage relates to SECTT primarily as a common gateway into CSEC. There is a high correlation between early marriages and wife abandonment, something that leaves girls highly vulnerable to entering the commercial sex industry. This is due to difficulties remarrying or gaining other employment opportunities. There have also been instances of temporary marriages, where foreigners have travelled to countries in South Asia to marry a girl 'for the wedding night', and thereafter return back home. This leaves a child labelled as 'spoiled' or 'ruined'. Early marriage also relates to SECTT in cases when a traveller or tourist marries a child and takes the child with him/her to his/her country, or region, of origin. Sexual exploitation thus continues at the new destination.

VULNERABLE GROUPS

Children are more prone to become victims of SECTT if they lack proper protection from a parent or alternative guardian, and further if their community is affected by conflict or natural disasters.⁷³ Whilst poverty is a key part of the root causes for commercial sexual exploitation of children, it is not simply through lack of material resources, but due to social exclusion and discrimination. Within the region there are strong hierarchical social structures, such as caste and religion, which determine the access children may have to resources and welfare provisions.

INADEQUATE BIRTH REGISTRATION

One of the main child protection flaws is inadequate birth registration. This not only means that children may have difficulties accessing social public services, but also places children at a higher risk for early marriage and labour exploitation. A lack of birth registration relates directly to migration, with children without adequate birth registration more vulnerable to trafficking for sexual and labour purposes. Statistics for 2005-2013 show a wide disparity in data across the region. Bhutan registers close to 100% of births, followed closely by Sri Lanka (97%) and the Maldives (93%).⁷⁴ In comparison, Afghanistan (37%), Bangladesh (31%) and Pakistan (34%) have between 60-70% unregistered births.⁷⁵

CHILDREN WITHOUT APPROPRIATE CARE

There is a direct link between children leaving home and previous sexual abuse at home or in the community. Sexual abuse is severely underreported in South Asia. Abovementioned factors such as poverty, discrimination and migration moreover heighten the risk of children ending up in situations where they are not properly cared for. Children who end up living on the streets are highly vulnerable to sexual exploitation and other forms of violence and crime. Even in the cases where children

⁶⁷ UNFPA (2014), *The State of World Population. The Power of 1.8 Billion. Adolescents, Youth and the Transformation of the Future*, New York: UNFPA, accessed 13 July 2015, http://www.unfpa.org/sites/default/files/pub-pdf/EN-SWOP14-Report_FINAL-web.pdf.

⁶⁸ UNICEF (2014), *The State of the World's Children: Executive Summary. Reimagine the Future. Innovation for Every Child*, New York: UNICEF, 84, http://www.unicef.org/publications/files/SOWC_2015_Summary_and_Tables.pdf.

⁶⁹ *Ibid.*, 85.

⁷⁰ *Ibid.*, 86.

⁷¹ *Ibid.*, 87-88.

⁷² SAIEVAC, "Solidarity for the Children of SAARC".

⁷³ Save the Children, *Stepping Up Child Protection*.

⁷⁴ UNICEF, *The State of the World's Children: Executive Summary*, pp. 84, 86, 88.

⁷⁵ *Ibid.*, pp. 84, 87.

receive care in an institutional setting (such as residential or shelter homes, religious institutions or orphanages) the care is often not appropriate and there are several reported cases of abuse and violence.⁷⁶ In South Asia, there are millions of children living without appropriate care, rendering them at risk for SECTT and other forms of CSEC.

THE IMPACT OF ADVANCES IN INTERNET AND COMMUNICATIONS TECHNOLOGY ON SECTT

There are several avenues for perpetrators to gain access to vulnerable children in South Asia, such as approaching children in the streets, schools or centres, through family or other intermediaries, hotels and guesthouses and through the entertainment industry and brothels. Yet, the expansion of the use of the Internet across the region has complicated and enhanced the ways in which SECTT can occur. The Internet provides a space for child sex offenders to exchange information (email, chat rooms, websites, social media, blogging) but also to share child sexual abuse material (file sharing, websites, live streaming, the cloud, etc.). Furthermore, it is a direct means of communication in which a perpetrator can contact a child, either directly via chat-rooms, etc., or via an intermediary.

In some parts of South Asia ICT has increased drastically in the past 5-10 years, with many locations in India now enjoying wireless-connections, and both 3G and 4G data connections. In other parts of the region Internet-access has not come as far; however, the prominence of cyber-café is evident. Data from 2013 show that there are 70 mobile phones to every 100 people in Afghanistan, and 6 people out of every 100 use the Internet.⁷⁷ The numbers are similar in Bangladesh (67 and 7), India (71 and 15), Nepal (71 and 13) and Pakistan (70 and 11), whereas Bhutan (72 and 30) shows slightly higher figures

for Internet usage.⁷⁸ Maldives has the highest usage in the region with a staggering 181 mobile phones per 100 people vis-a-vis 44 Internet users.⁷⁹ Sri Lanka follows with 95 mobile phones per 100 people and 22 people out of a 100 using the Internet.⁸⁰ The speed at which ICTs are spreading across the region has been argued to contribute to the profound changes, both cultural and social, that South Asia is undergoing.⁸¹ This can be both positive and negative change, since ICTs can be of major importance when it comes to raising awareness and providing social protection and welfare services.

However, ICTs also facilitate online child abuse, through the spreading and sharing of child abuse images. Further, it facilitates abusive online activities such as webcam child sexual exploitation, where perpetrators can contact, and/or seek out children, to pay them to perform sexual acts in front of the camera; and similarly through live-on-demand web streaming of child sexual abuse which allows multiple perpetrators to view the abuse and further minimises any risk of getting caught.⁸² Moreover, perpetrators can access children through direct contact in chat-rooms, etc., where online grooming can take place and perpetrators can solicit a child for sexual purposes.⁸³ This can often be linked to ICT use such as sexting. There have also been cases where offenders have made contact with children through ICTs prior to sexually abusing them.⁸⁴ Similarly, ICTs allow for the expansion of exploitation of children in prostitution in places outside of brothels or street-based prostitution, with intermediaries being able to keep children 'hidden away' in houses or apartments, as clients are contacted through ICTs. A well-known religious site in Andhra Pradesh; India receives 20 million visitors a year and is known as a hotspot for commercial sex. Interviews with male children between six and 18 years of age revealed a pattern by which these, mainly Indian, tourists maintained contact with the boys via cell phones and/or e-mail contact at cyber-café.⁸⁵

⁷⁶ Save the Children, *Stepping Up Child Protection*, 43.

⁷⁷ UNICEF, *The State of the World's Children: Executive Summary*, 60.

⁷⁸ *Ibid.*, 60-63.

⁷⁹ *Ibid.*, 62.

⁸⁰ *Ibid.*, 64.

⁸¹ ECPAT, *CSEC in South Asia: Developments, Progress, Challenges and Recommended*, 28-29.

⁸² *Ibid.*, 31.

⁸³ *Ibid.*, 32.

⁸⁴ UNICEF (2014), *Hidden in Plain Sight: A Statistical Analysis of Violence Against Children*, New York: UNICEF, accessed: 6 July 2015, http://files.unicef.org/publications/files/Hidden_in_plain_sight_statistical_analysis_EN_3_Sept_2014.pdf.

⁸⁵ Equations and ECPAT International (2008), *Unholy Nexus: Male Child Sexual Exploitation in Pilgrim Tourism Sites in India: Andhra Pradesh, Kerala and Orissa*, Bangalore: Equations, xv, accessed 9 November 2015, http://www.equitabletourism.org/stage/files/fileDocuments316_uid10.pdf.

'WHERE ARE WE NOW': THE CURRENT UNDERSTANDING OF SECTT IN SOUTH ASIA

After considering the regionally contextual dimensions in which SECTT occurs, this section now aims to directly address the situation of SECTT in South Asia. Although several studies have been conducted with regards to CSEC, and a few have considered SECTT, there are severe limitations to existing data. Most studies are qualitative with small sample-sizes and often contained to one particular field site. When quantitative, the sample-sizes are again small and percentages are often based on these small samples, thus not providing sufficient information for policy recommendations. It is important to acknowledge the difficulty in attaining valid and widespread data on SECTT due to the taboo nature of the issue as well as the multitude of stakeholders with an interest in the tourism and travel industry, sometimes including children. Figures and quotes referred to should be considered with care, since the rapid transformation of SECTT and the lack of new studies means that information may be out-dated. Furthermore, much of the data references areas relating to SECTT, whereas very few studies have been conducted directly focused on the phenomenon. Due to the commonly acknowledged adversity to the issue, claims tend to sometimes be vocalised at early stages without having been verified or peer reviewed, and thus there is an element of reports being 'alarmist' and generalising without always having much research as a basis. On the other hand, official data has been critiqued for being overly cautious.⁸⁶ Consequently, whilst themes and trends can be spotted and do emerge from the study, the key recommendation lies in the desperate need for comprehensive quantitative and qualitative studies of SECTT in the region.

Afghanistan

There are currently no studies on the SECTT for Afghanistan. The country also does not have much data for its tourism industry. As for travelling sex offenders, Afghanistan has been affected by war for the past decades, which has meant a strong military presence. There have also been contractors frequenting the country, mostly international companies. In relation to this, there have been some reports of sexual exploitation of children by contractors from private security firms. In one case, the contractors allegedly hired Bacha

Bazi for the purpose of child sexual abuse. Bacha Bazi, or 'dancing boys', are young pre-pubertal boys who traditionally perform dressed as girls. This custom sometimes crosses the line into sexual exploitation, when rich Afghan men keep young boys as possessions. Despite a lack of research or reports on SECTT from Afghanistan, children in the country are highly affected by migration, socio-economic conditions, and cultural practices that make them vulnerable to sexual abuse and exploitation. The 2014 U.S. Trafficking in Persons report highlighted how Afghani women and children were trafficked to nearby Pakistan and India for commercial sexual exploitation.⁸⁷

Bangladesh

Like Afghanistan, there are no official studies on SECTT in Bangladesh. ECPAT International's report on CSEC in Bangladesh from 2011 highlighted some unofficial reports of boys being sexually exploited at Cox's Bazar.⁸⁸ The popular seaside destination, frequented by domestic tourists, has allegedly seen boys solicit clients in small hotels and restaurants as well as on the beach.⁸⁹

Contrary to predictions of Bangladesh's international visitor trend increasing, the number of international tourists has dropped dramatically in the past five years.⁹⁰ The Bangladesh Parjatan Corporation's study Bangladesh Tourism Vision forecasted international tourist arrivals in Bangladesh to exceed 500,000 by 2020, and predicted that it may even reach 1 million by that year.⁹¹ On the contrary, international tourist arrivals in Bangladesh went from 303,000 in 2010 to 148,000 in 2013.⁹² A recent article by the Guardian states, "Bangladesh is rarely considered a tourist destination. What people know of it generally comes from news reports: floods, cyclones, political strife, tragedies in garment factories".⁹³ The long-used tourist board slogan of "Visit Bangladesh before tourists come"⁹⁴ highlights the expectancy of a soon-to-boom tourism sector; however, as a Bangladeshi national told the Guardian "the tourists, they never came!".⁹⁵ On the other hand, the country shows high indicators of domestic travelling and urbanisation, but there have been no studies to assess the impact of this on the commercial sexual exploitation of children.

Bangladesh shares a 4,000km border with India. The border is loosely controlled and trafficking and migration into India is common. Thus, although Bangladesh does

⁸⁶ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies, 21.

⁸⁷ Government of the U.S., Department of State (2014), Trafficking in Persons Report 2014, Washington D.C: U.S. Department of State, 209, <http://www.state.gov/j/tip/rls/tiprpt/2014/>.

⁸⁸ ECPAT, Global Monitoring: Bangladesh, 16.

⁸⁹ Ibid., 16.

⁹⁰ UNWTO, "World Tourism Highlights 2015", 9.

⁹¹ ECPAT, Global Monitoring: Bangladesh, 16.

⁹² UNWTO, "World Tourism Highlights 2015".

⁹³ Baker, Vicky, "How Tourism is Taking Off in Bangladesh", The Guardian, 5 July 2014, accessed 10 July 2015, <http://www.theguardian.com/travel/2014/jul/05/tourism-taking-off-in-bangladesh>.

⁹⁴ Coldwell, Will, "Tourism Slogans from Around the World", The Guardian, 21 November 2013, accessed 10 July 2015, <http://www.theguardian.com/travel/2013/nov/21/tourism-slogans-around-the-world>.

⁹⁵ Baker, "How Tourism is Taking Off in Bangladesh".

not have as prominent a travel and tourism sector as India, it is of relevance to consider the risk Bangladeshi children face as a consequence of India's booming travel and tourism industry. The 2014 U.S. Trafficking in Persons report described Bangladesh as primarily a source country for the trafficking of men, women and children for forced labour.⁹⁶ Children have been transported from Bangladesh to India and Pakistan where they are subjected to commercial sexual exploitation.⁹⁷ In particular, the Rohingya community in Bangladesh appears vulnerable. The report also highlighted that there is a substantial prominence of voluntary migration to the Persian Gulf, Iraq, Iran, Lebanon, Maldives, Malaysia, Singapore, Thailand, Brunei, Sudan, Mauritius, the United States and Europe.⁹⁸ Many migrants end up in conditions that are indicative of force labour.⁹⁹

In addition, Bangladesh experience domestic sex trafficking, mainly from rural to urban areas.¹⁰⁰ A significant number of Bangladeshi children are taken to the cities for forced begging and/or prostitution. A 2012 study estimated 4.9 million children in Bangladesh, aged 5 to 15, to be worker. Many in urban settings and hazardous work that makes them vulnerable to sexual exploitation.¹⁰¹ UNICEF's report "Sexual Abuse and Exploitation of Boys in South Asia" of 2010 showed that it is common for boys to live in train and bus stations and to solicit sex.¹⁰² The sex-industry in Bangladesh appears to be expanding from traditional brothel-based environments. With a steady growth in the country's domestic travel industry there is a risk that its sex market will expand.

Bhutan

Very little is know about the current, or potential, situation of SECTT in the Royal Government of Bhutan. The country its border to international tourists in 1974, and expansion of the sector has been especially rapid in the past five years, with a 59.9% increase in arrivals between 2011 and 2012.¹⁰³ The country's approach to travel

and tourism is unique in the region. Bhutan promotes a sustainable tourism industry that aims to limit negative impacts on culture and the environment often associated with mass tourism.

There have been some debates in recent years of how Bhutan will cope with the continuous rise in tourist arrivals. In 2013, Bhutan logged a record of 116,000 international tourist arrivals.¹⁰⁴ A significant number arrived from the United States, with an approximate 7,000 US Americans visiting Bhutan in 2013.¹⁰⁵ Still, Indian tourists dominate the country's tourist intake, due to being exempt from the daily tariff applied to other nationalities.¹⁰⁶ Some articles have been written on the expanding entertainment industry in the country's capital Thimphu, questioning the influx of 'western morals' and how it will impact traditional culture.¹⁰⁷ There are some references to CSE of young girls in Drayangs (karaoke bars) in Thimphu.¹⁰⁸ However, no evidence has been provided to show whether these youths are above 18 or not.

Still, Bhutan's travel and tourism sector is expanding at a rapid pace. The infrastructure for travel and tourism has been extended to meet these demands with, for example, domestic airports opening across the eastern parts of Bhutan to facilitate access to this region.¹⁰⁹ The United Nations Office on Drugs and Crime (UNODC) stated in 2013 an increasing number of human trafficking cases have been reported in the country in recent years.¹¹⁰ The National Commission for Women and Children (NCWC) of Bhutan registered the first human trafficking case in 2007.¹¹¹ The 2014 U.S. Trafficking in Persons report showed Bhutan to be a destination country for forced labour and trafficking of men, women and children; and for the country to be a source for trafficked Bhutanese children both domestically and to India, albeit data is limited.¹¹² The report mentioned how Bhutanese girls, who end up in the country's entertainment industry, working in Drayungs, were subjected to trafficking for sexual exploitation and forced labour.¹¹³ With the expanding travel and tourism industry,

⁹⁶ U.S. Department of State, TIP Report 2014.

⁹⁷ *Ibid.*, 204.

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ West, "City Kids", 10.

¹⁰² Frederick (2010), "Sexual Abuse and Exploitation of Boys in South Asia", 53, accessed on 2 June 2016, https://www.unicef-irc.org/publications/pdf/wp_2010_02.pdf.

¹⁰³ UNWTO, "World Tourism Highlights 2015".

¹⁰⁴ *Ibid.*, 9.

¹⁰⁵ Chhabra, Esha, "Can Traditional Bhutan Survive Tourism?", Daily Beast, 17 August 2014, accessed 25 July 2015, <http://www.thedailybeast.com/articles/2014/08/17/can-traditional-bhutan-survive-tourism.html>.

¹⁰⁶ *Ibid.*

¹⁰⁷ Lorway, Robert, Dorji, Gampo et al. (2011), "The Drayang Girls of Thimphu: Sexual Network Formation, Transactional Sex and Emerging Modernities in Bhutan", *Culture, Health and Sexuality: An International Journal for Research, Intervention and Care* 13, suppl. 2 (2011): 293-308.

¹⁰⁸ *Ibid.*

¹⁰⁹ Government of Bhutan, Tourism Council (2011), *Bhutan Tourism Monitor Annual Report 2011*, Thimphu: Tourism Council of Bhutan, 13, accessed 5 August 2015, <http://www.bhutanography.com/wp-content/uploads/2013/09/Bhutan-Tourism-Monitor-Annual-Report-2011.pdf>.

¹¹⁰ UNODC, "Bhutan: Working Against Human Trafficking - Focusing On Rights Not Numbers", accessed 2 August 2015, <https://www.unodc.org/southasia/frontpage/2013/April/bhutan-working-against-human-trafficking-focussing-on-rights-not-on-numbers.html>.

¹¹¹ *Ibid.*

¹¹² U.S. Department of State, TIP Report 2014, 101.

¹¹³ *Ibid.*

and the emersion of new destinations and attractions due to expanding infrastructure, Bhutanese children may be increasingly vulnerable to sexual exploitation. As with Bangladesh, children are trafficked into India, a country with an extensive travel and tourism industry and a highly prominent sex market.

India

With a diversified and expanding travel and tourism industry, India is quickly emerging as a main destination for the sexual exploitation of children. As South East Asia, long-famous destination for child sex offenders, has tightened up on child protection policies, India is lagging behind in tackling issues of commercial sexual exploitation. Sexual exploitation is prevalent at tourist destinations across the country, and although popular tourist destinations like Goa and Kerala have received the most attention, other areas are becoming increasingly prominent. This is largely due to the prevalence of domestic offenders. Much of the media's focus and programming has been on tackling the issue of foreign 'paedophiles'. The staggering cases of local and regional offenders have not yet received much attention.

Assessing the number of children in prostitution in India is difficult. Existing studies are fairly out-dated, and small in scale. UNICEF and ECPAT International have estimated that around 400,000 to 500,000 children are in forced prostitution across the country.¹¹⁴ In addition, the 2014 U.S. Trafficking in Persons report states that million of women and children are trafficked to and within India for sexual exploitation,¹¹⁵ though there is no disaggregation of this data.

A report by UNODC found the demand created by the tourism industry to directly or indirectly contribute to a surge in human trafficking rackets for Goa.¹¹⁶ The majority of those trafficked to Goa originate from other Indian states, but there are also a significant number of children originating from neighbouring countries like Nepal and Bangladesh. In addition, many children migrate to Goa and other tourist destinations as a result of the increased demand for labour.¹¹⁷ Children end up working mainly in informal, unregulated sectors as beach vendors, tourist guides, hotel boys and beggars.¹¹⁸ Children also work as carriers on treks, as coolies and assistants, etc.¹¹⁹ Tourists are considered more receptive to the image of 'the poor child', making them more likely to empty their pockets in favour of young workers. The exploitative and unregulated conditions of work means that children are immensely vulnerable, and often exposed to sexual abuse and commercial sexual exploitation.¹²⁰

A 2016 report by Equations questions the marketing-image portrayed by the booming tourism sector in India.¹²¹ With its 'Incredible India' campaign, the country has seen an upsurge in international tourist arrivals, in 2014 displaying a growth of 11%.¹²² The 'exotification' of the country, and of Goa in particular, may create a demand for child sex tourism.¹²³ Kerala, a newly emerging alternative to Goa, is also a prominent destination for SECTT with Alleppy's famous houseboat market diversifying to include sexual exploitation of children.¹²⁴ Kerala's tourism board promotes the state as 'a low-key and cheap alternative to Goa'.¹²⁵ The facilitation of sexual exploitation of children occurs

"Tourist was offered child for sex for Rs 50 on Goa beach"

"PANAJI: Child sex workers are on offer for as little as Rs 50 on Goa's beaches. Child sex abuse and paedophilia are problems that are rampant in the state, which is promoting tourism indiscriminately. The Goa Government is forever in denial, and has its eyes set only on the money brought in from tourism. The beach belt is notorious for child sex abuse - the young children offering massage services to tourists are easily exploited. Despite the Goa Children's Act making it mandatory for every citizen to report crimes against children, people often prefer to look the other way, and even when reported, the police often do not take any action".

- *Times of India*, "Tourist was offered child for sex for Rs 50 on Goa beach", 27 November 2013.

¹¹⁴ ECPAT UK (n.d.), "Child Sex Tourism in Goa", London: ECPAT, 1, accessed 27 July 2015, <http://www.ecpat.org.uk/sites/default/files/goa05.pdf>.

¹¹⁵ U.S. Department of State, TIP Report 2014, 203.

¹¹⁶ "Tourism Boosts Human Trafficking in Goa", *Times of India*, 3 August 2013, accessed 30 August 2015, <http://timesofindia.indiatimes.com/city/goa/Tourism-boosts-human-trafficking-in-Goa/articleshow/21563733.cms>.

¹¹⁷ Equations (2016), "Country-specific report, India: Goa", www.globalstudysectt.org

¹¹⁸ Equations and Vikas Samvad (2013), *Exploitation of Children in Tourism. Child Sexual Abuse & Child Labour in Tourism in Madhya Pradesh, Bangalore/Bhopal*: Equations and Vikas Samvad, 5, accessed 12 July 2015, http://www.equitabletourism.org/files/fileDocuments2875_uid24.pdf.

¹¹⁹ *Ibid.*, 5.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*, 2.

¹²² UNWTO, "World Tourism Highlights 2015", 7.

¹²³ Equations (2016), "Country-specific report, India: Goa", www.globalstudysectt.org

¹²⁴ NHRC, UNIFEM and ISS (2003), *A Report on Trafficking in Women and Children in India 2002-2003. Volume I*, New Delhi: National Human Rights Commission, 190, accessed 8 July 2015, <http://nhrc.nic.in/Documents/ReportonTrafficking.pdf>.

¹²⁵ Khan, Sarah, "In South India, a Low-Key and Cheap Alternative to Goa", *New York Times*, 19 February 2015, accessed 8 August 2015, http://www.nytimes.com/2015/02/18/travel/in-south-india-a-low-key-and-cheap-alternative-to-go.html?_r=0.

through the infrastructure of the travel and tourism industry with hotels, houseboats, bars and nightclubs being used by offenders and intermediaries to access and exploit vulnerable children.

India's travel and tourism sector is likely to grow rapidly. The current government has pledged to boost tourism, aiming for the country to be able to compete with South East Asian countries like Thailand and Malaysia; both of which received higher numbers of international tourist arrivals per year than the South Asian giant.¹²⁶ In response, India has extended its limited scheme of visas upon arrival. From a previous total of 12 countries being able to access the scheme, 31 new countries were added to the list in 2015, including the United States, Australia and Japan.¹²⁷ The tourism minister claimed that the new policy was a "dream come true for the entire tourism industry of India and is bound to positively impact the economy [...] the government's objective is to boost tourism and this scheme's implementation will send out a clear message that India is serious about making travel to the country easy".¹²⁸ However, whilst these economic considerations are likely accurate, there are costs to the socio-cultural context, as well as the environment, which can increase the vulnerability of children and local communities.¹²⁹

That sexual exploitation of children in travel and tourism seems to be on the rise in India is further related to the country's well-established sex industry. Child sex offenders can still access vulnerable children through traditional brothel and street-based settings. Both international and local tourists, as well as migrant workers who come to the state during the peak seasons frequent Goa's Baina red light area. Children also approach, and are approached by, tourists directly through their work. There have been documented cases of children being 'groomed' by travellers, where child sex offenders lure children into exploitative situations by offering them gifts, employment or companionship. This is mainly the case for preferential child sex offenders,

whereas situational offenders are more likely to access children through street- or pimp-based prostitution.¹³⁰ Additionally, intermediaries often assist in connecting child sex offenders to children. This has been noted in Goa where taxi drivers and shack owners, as well as other children, whom themselves have been involved in commercial sexual exploitation, act as brokers.¹³¹ Research has shown that whilst the majority of demand comes from local men and migrant workers, both situational and preferential foreign offenders are prominent in Goa.¹³² The majority of these are male, but there have been cases of foreign women developing sexual relationships with adolescent boys, often after being approached by these boys on the beach.¹³³ Male child sex offenders appear to make use of brokers of some sort.¹³⁴ Except Goa, the Indian NGO Sanlaap documented cases of SECTT in West Bengal, mainly by domestic offenders.¹³⁵ Rickshaw drivers and local guesthouse owners act as brokers to provide child sex offenders with children.¹³⁶

A 2009 study by Equations on the situation of children in Madhya Pradesh revealed a village near Khajuraho as a prominent destination for foreign child sex offenders.¹³⁷ The exploitation is often intermediated by guides who bring foreigners to the village. Guides also keep photos of children in documented albums for tourists to 'choose from'.¹³⁸ As some foreign child sex offenders prefer to abuse the same child on each visit, it is common for tourists to groom children through providing toys, clothes, money and to provide for children and their families in terms of buying land, building houses and setting up the families with small enterprises such as shops.¹³⁹ There have been cases of foreign female tourists settling permanently or semi-permanently in the nearby areas, exploiting boys allegedly as young as 14.¹⁴⁰ A disturbing finding of the research is the lack of incentive shown by anyone to confront the happenings in the area, explained as everyone being in one way or another connected to the tourism industry and dependent on it for their livelihood.¹⁴¹

¹²⁶ "India Launches New Visa Rules to Boost Tourism", BBC.com, 28 November 2014, accessed 8 August 2015, <http://www.bbc.co.uk/news/world-asia-india-30241487>.

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

¹²⁹ Equations (2016), "Country-specific report, India: Goa", www.globalstudysectt.org

¹³⁰ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies.

¹³¹ *Ibid.*

¹³² *Ibid.*, 35.

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ Sanlaap (2015), "Country specific-report, India: West Bengal", www.globalstudysectt.org

¹³⁶ *Ibid.*

¹³⁷ Equations and Vikas Samvad, *Exploitation of Children in Tourism*, 8.

¹³⁸ *Ibid.*, 12.

¹³⁹ *Ibid.*, 16.

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*

Moreover, India's entertainment sector appears to be expanding. UNODC's 2013 report showed that following the restrictions to brothel-based prostitution in Goa in 2014, during which a number of brothels in the Baina district were destroyed, the sex industry diversified to extend to beauty parlours, spas, clubs and online access.¹⁴² Massage parlours are emerging as locations where children are forced to attend to clients.¹⁴³ It has been noted that these parlours can sometimes only be accessed via a broker, either through taxi drivers or through online communication, something that makes it increasingly difficult for enforcement agencies to investigate.¹⁴⁴ The UNODC report highlighted cases of women and children being trafficked to Goa for specific business conferences and commercial events,¹⁴⁵ although little evidence exists.

In terms of travellers, Equations has documented the link between religious pilgrimage and sexual exploitation of children in Tirupati (Andhra Pradesh), Puri (Odisha) and Guruvayoor (Kerala).¹⁴⁶ CSEC in the name of religion is nothing new in India. The tradition of devadasis means that young girls are provided to temples in the name of God. In reality, these girls end up soliciting sex in the temples to pilgrims and others. However, the findings by Equations show how this has diversified and the selling of sex to be spread across the cities and is consequently more hidden.¹⁴⁷ Girls and women are found in brothels/entertainment houses in which they entertain through dance and vocal performances. Thereafter clients can bid on girls.¹⁴⁸ Drivers receive a commission for bringing clients to the houses.¹⁴⁹ It has been found that truckers who visit the area at times take girls with them for some period of mutually agreed time, often up to a month. During this time girls are sexually exploited by the trucker and sometimes sold to third parties, before they are returned to their villages.¹⁵⁰

Lastly, there are reported cases of young girls being put up for temporary marriages. Girls are temporarily married off to visitors, who agree upon a pre-determined time and amount with the parents. A Qazi (Islamic cleric)

then performs the marriage ceremony. The practice is legal under Islamic law; however, it has a basis in the perceived need for girls to be married during times of war for safety, etc. Temporary marriages appear to have become a tourist attraction in India. Men, often from the Gulf, visit India to marry a young girl, exploit her, and then return back to their country of origin. In Hyderabad, 15 cases of temporary marriages are estimated to take place each month.¹⁵¹

The 2014 U.S. Trafficking in Persons report showed that significant numbers of female children from Nepal, Afghanistan and Bangladesh were trafficked to India for the purpose of sexual exploitation, the majority of who were between the ages of nine and 14.¹⁵² Many children are trafficked from Northern and Western India, contrary to previous patterns of East India and Bangladesh as the main sources for trafficking.¹⁵³ With India as a source, destination and transit country for the trafficking of children for sexual exploitation,¹⁵⁴ the rapid growth and diversification in the travel and tourism sector does not only pose an increased threat to vulnerable children in India, but across the whole region.

Maldives

Currently there are no studies on the sexual exploitation of children in travel and tourism in the Maldives. The country does not have a very diverse tourism industry but specialises in luxury-tourism. Reported cases of commercial sexual exploitation are few, and human trafficking of men, women and children tends to be catered towards forced labour.¹⁵⁵ There are some reports of girls being trafficked from Bangladesh, as well as from other parts of Maldives to Male, the capital, for the purpose of sexual exploitation.¹⁵⁶ Additionally, the 2014 report "Hidden in Plain Sight" revealed that 18% of boys and 16% of girls in grades eight to 10 had been forced to have sex at some point.¹⁵⁷ There have been recent efforts by the Maldives to diversify local tourism, and to allow middle or low-end tourism in the inhabited islands. This may potentially make children more vulnerable to SECTT.¹⁵⁸

¹⁴² "Tourism Boosts Human Trafficking in Goa", Times of India.

¹⁴³ Equations and Vikas Samvad, *Exploitation of Children in Tourism*.

¹⁴⁴ Parab, Amresh, "Fearless Attitude, Fast Money Emboldening Pimps to Run Trade from Massage Parlours", Navhind Times, 25 May 2015, accessed 8 August 2015, <http://www.navhindtimes.in/fearless-attitude-fast-money-emboldening-pimps-to-run-trade-from-massage-parlours/>.

¹⁴⁵ Ibid.

¹⁴⁶ Equations and Vikas Samvad, *Exploitation of Children in Tourism*, 4.

¹⁴⁷ Ibid., 20.

¹⁴⁸ Ibid., 21.

¹⁴⁹ Ibid., 21.

¹⁵⁰ Ibid., 22.

¹⁵¹ John, Simi, "India's 'One-Month Wives' Sex Tourism Exposed by Teenager", International Business Times, 16 April 2013, accessed 5 August 2015, <http://www.ibtimes.co.uk/india-one-month-marriage-islam-sex-tourism-457753>.

¹⁵² U.S. Department of State, TIP Report 2014, 203.

¹⁵³ Ibid., 204.

¹⁵⁴ Ibid., 203.

¹⁵⁵ U.S. Department of State, TIP Report 2014, 263-264.

¹⁵⁶ Ibid., 263.

¹⁵⁷ UNICEF, *Hidden in Plain Sight*, 79.

¹⁵⁸ Government of the Maldives, Ministry of Tourism Arts & Culture (2012), *Fourth Tourism Master Plan 2013-2017*. Volume 2: Background and Analysis, accessed 24 July 2015, http://www.tourism.gov.mv/downloads/news/2012/4TMP_DRAFT_Vol_2_BACKGROUND_ANALYSIS.pdf.

Nepal

Tourism and sexual exploitation are on the rise in Nepal. The country's industry has been growing since the end of the Maoist insurgency civil war in 2006. With its tourist board slogan "Naturally Nepal - Once is not enough",¹⁵⁹ the government promotes the country as a diverse and thrilling destination for adventure seekers. In 2007 the tourist board even promoted 'Wild Stag Weekends', which included engagement with female entertainers, something that has since been removed.¹⁶⁰ The 2014 U.S. Trafficking in Persons report listed Nepal as a source, transit and destination country with high levels of trafficking for the purpose of sexual exploitation, particularly supplying the entertainment industry and massage parlours.¹⁶¹ Many men, women and children are trafficked to neighbouring India, as well as the Middle East, Malaysia, China, Hong Kong and Sweden for sexual purposes.¹⁶² In addition to this there is a significant level of domestic trafficking.¹⁶³ The extent of travellers and tourists arriving in Nepal for the purpose of sexual exploitation has not been estimated.

During the civil war Nepal's trekking and Himalayan adventure tourism industry nearly collapsed. Nepal has seen rapid growth in the travel and tourism industry since 2006. Whilst the receipts from international tourist arrivals continue to reflect this growth, with US\$ 477 million recorded in 2014,¹⁶⁴ it also appears that the tourist boom is bringing with it problems of sexual exploitation, especially following tighter regulations in previous sex-tourist prone locations in South East Asia.¹⁶⁵ Nepal has been compared to countries in South East Asia: "ten years ago the sex industry was underground in Nepal. Now it's like Bangkok, it's like Phnom Penh".¹⁶⁶

Similar to the situation in India, the sex industry is diversifying. With South East Asia destinations cracking down on child sex offenders, Nepal is growing as a destination and the market appears to be adapting to meet the demand. The entertainment industry has boomed, with around 200 massage parlours and 35 'dance bars' recorded in 2008 in the Thamel district in Kathmandu alone.¹⁶⁷ Terre des Hommes's study "Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal" from 2010 showed that the industry extends to further include cabin and dohori restaurants (a form of brothels).¹⁶⁸ Most of the women and girls working are from outside Kathmandu, and often come from minority communities.¹⁶⁹

Case Study: Nepal's growing entertainment industry

Internal trafficking in Nepal is on the rise, to feed the demand of the increasing entertainment sector. Terre des Hommes estimates from 2010 showed that there were around 11,000 to 13,000 girls and women in the entertainment business in Kathmandu alone. "I was 13 when I arrived in Kathmandu to join a job at a hotel but I was taken to a massage parlour. I had never seen such a place before. I was shocked and I cried a lot in the beginning as I was very scared and then the other girls consoled me saying that it wasn't dangerous as they had been through the same thing and they got used to it".

– Sita Tamang (names changed) cited in Newar, Naresh, "Growing 'Entertainment' Industry Traps Nepali Girls", *Inter Press Service News Agency*, 8 July 2012.

¹⁵⁹ Coldwell, "Tourism Slogans from Around the World".

¹⁶⁰ ECPAT International (2011), Global Monitoring. Status of Action against Commercial Sexual Exploitation of Children: Nepal. 2nd edition, Bangkok: ECPAT, 13, http://www.ecpat.net/sites/default/files/A4A_V2_SA_NEPAL.pdf.

¹⁶¹ U.S. Department of State, TIP Report 2014, 287.

¹⁶² Ibid.

¹⁶³ Ibid., 289.

¹⁶⁴ UNWTO, "World Tourism Highlights 2015".

¹⁶⁵ Simpson, David, "Nepal: from Trekking to Sex Tourism?", *cabi.org*, 7 February 2008, accessed 18 July 2015, <http://www.cabi.org/leisuretourism/news/17734>.

¹⁶⁶ John Frederick cited in "From Treks to Sex - Is a New Sort of Thrill-Seeker Heading for Nepal?", *The Economist*, 24 January 2008, accessed 11 July 2015, <http://www.economist.com/node/10566777>.

¹⁶⁷ Ibid.

¹⁶⁸ Frederick, John, Basnyat, Muna and Adjutant, Joseph L. (2010), *Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal: A Handbook for Decision-Makers*, Kathmandu: Terre des Hommes foundation, 23, accessed 11 July 2015, <http://www.childtrafficking.com/Docs/handbook.pdf>.

¹⁶⁹ ECPAT, Global Monitoring: Nepal, 9.

The growing industry is not only affecting girls. A 2008 study by CWIN Nepal reported that boys, albeit fewer, are vulnerable to sexual exploitation.¹⁷⁰ Street children are shown to be among the most vulnerable, many having migrated from outside of Kathmandu to the capital.¹⁷¹ Children end up working in mostly informal and unregulated markets as vendors, rickshaw pullers, tourist guides and performers in the entertainment industry.

When assessing the vulnerability of children in Nepal, the volatile environment is of huge significance. The 10-year civil war, ending in 2006, led to an increase in commercial sexual exploitation of children through displacement, forced migration, disruption of family units, etc.¹⁷² During, and closely after, the conflict there were a significant number of reports of sexual exploitation of children in urban centres. Cases were also reported near military bases in the rural areas, both through coercion and due to lack of alternative livelihood options.¹⁷³ Although the political situation in Nepal has gradually stabilised, the recent earthquakes shaking the country have led to children facing similar vulnerabilities. UNICEF reported that three months after the 25 April 2015 earthquake hundreds of thousands of children were in desperate need of food, shelter and protection.¹⁷⁴ There are reports of trafficking of children into India having increased in the past few months, with traffickers exploiting the post-quake fragility.

Although research shows that child sex offenders come from across the globe, Indian tourists especially appear to actively seek out children, both boys and girls in Nepal.¹⁷⁵ There are also reports stating that the majority of clients are Nepali.¹⁷⁶ However, these reports were mostly conducted prior to, or recently after, the end of the civil war. With much of the data available on children in relation to travel and tourism being from prior to, or recently after the end of the Maoist insurgency, it is difficult to know how the situation may have changed since then.

There are some prominent cases with regards to the sexual exploitation of children by foreign tourists. There have been attempts by Western visitors to access children through institutional frameworks, establishing 'orphanages' and 'children's homes'.¹⁷⁷ The tourists are in these cases preferential child sex offenders, who carry out careful grooming processes as part of the exploitation. Yet, more commonly there appears to be a significant amount of sexual abuse and exploitation of children in institutionalised settings by Nepali nationals.¹⁷⁸ Additionally, there have been reports of 'voluntourism', when people travel to volunteer for 'a good cause', creating a 'demand' for orphanages and vulnerable children leading to children being trafficked.¹⁷⁹

Case Study: Grooming through charitable work

In January 2015, a Canadian tourist was arrested in Nepal after being accused of having lured a nine-year-old boy to his room in a guesthouse in a Kathmandu suburb. The man, 71, had arrived in Nepal in August 2014 on a tourist visa. During his time there he frequently visited a children's shelter where the boy lived. After repeated visits, gaining the boy's trust he managed to lure the boy with him to his hotel room where he allegedly threatened him. Prior to this visit, it appears that the man had 17 child sex offence convictions back in Canada, all of which were squashed following a ruling by the Supreme Court that the case had taken too long to go to trial.

- *Times Colonist*, "Canadian Tourist Under Arrest in Nepal on Child Sex Abuse Charges", 17 January 2015.

¹⁷⁰ ECPAT, Global Monitoring: Nepal, 10.

¹⁷¹ ECPAT International and CWIN (2003), A Situational Analysis of Child Sex Tourism in Nepal (Kathmandu Valley and Pokhara), Bangkok: ECPAT, accessed 12 July 2015, http://lastradainternational.org/lsidocs/411%20ecpat_cwin_2003__child_sex_.pdf.

¹⁷² ECPAT, Global Monitoring: Nepal, 8.

¹⁷³ *Ibid.*, 9.

¹⁷⁴ UNICEF Nepal, "Three Months on from first Nepal quake, children still at risk: UNICEF provides \$15 million in cash transfers to most vulnerable families", 25 July 2015, accessed 27 July 2015, <http://unicef.org.np/blogs/2015/07/25/unicef-provides-usd15-million-in-cash-transfers-to-most-vulnerable-families>.

¹⁷⁵ Frederick, "Sexual Abuse and Exploitation of Boys in South Asia", 92.

¹⁷⁶ ECPAT and CWIN, "Situational Analysis of CST in Nepal", 32.

¹⁷⁷ Frederick, "Sexual Abuse and Exploitation of Boys in South Asia", 92.

¹⁷⁸ Terre des Hommes and UNICEF (2008), Adopting the Rights of the Child. A Study on Intercountry Adoption and its Influence on Child Protection in Nepal, Lausanne/New York: Terre des Hommes foundation and UNICEF, accessed 12 July 2015, <http://resourcecentre.savethechildren.se/sites/default/files/documents/1661.pdf>.

¹⁷⁹ Pattison, Pete, "Nepal's Bogus Orphan Trade Fuelled by Rise in 'Voluntourism'", *The Guardian*, 27 May 2014, accessed 27 July 2015, <http://www.theguardian.com/global-development/2014/may/27/nepal-bogus-orphan-trade-voluntourism>.

Pakistan

No research has been made on SECTT in Pakistan. However, cases of sexual exploitation of children by travellers have been noted. One instance was the exploitation of boys at mazaars (holy shrines), by local tourists and pilgrims.¹⁸⁰ The famous shrine Baba Shah Jamal in Lahore is visited by devotees from around the country, and is a well-known area for young sex workers.¹⁸¹ The Heera Mandi (diamond market) red light area is located near the shrine, and girls as young as 14-16 often work in the commercial sex industry.¹⁸² Pakistan is a source, transit and destination country for the trafficking of children for sexual purposes, with children as young as five years old being bought and sold through highly organised circles.¹⁸³

Moreover, gender roles play a key part in the ways children are sexually exploited in Pakistan.¹⁸⁴ Reports have shown that girls are more likely to be sexually abused in the private sphere, with boys more vulnerable in the public sphere. This is evident through boys being sexually exploited in bus terminals, reported by several NGOs. Boys who run away, live on the streets and/or migrate to the cities, often end up staying in the terminals since there are a lot of job opportunities there. Additionally, boys often work with the bus drivers or as helpers to truckers, and this often entails sexual exploitation.¹⁸⁵

Case Studies: Pakistan's 'bus boys'

"I come from a village near Lahore. Our family consists of 12 persons. My father is dead and we are living from hand to mouth. I am the eldest of my siblings. I am working at Lorry Adda in Lahore with a bus driver. I clear the bus and do other errands for my driver. I was reluctant to have sex with him but he told me that I must if I am interested in learning to drive. I gave in and now he has sex with me almost every day. He gives me food and money and is also training me to become a driver. I live with him near the bus stand. I visit my family once a month and give them my savings". - Abdullah, 16, Lahore

– from ECPAT International and Pakistan Pediatrics Association (2006), *Situational Analysis. Report on Prostitution of Boys in Pakistan (Lahore & Peshawar)*, Bangkok: ECPAT, 47.

"Driving a truck over long distances is a tough job. Sometimes, we drive for 16 to 20 hours without a break. We are away from our homes for long periods. We get tired and frustrated. We are also human being and need some rest and relaxation. We keep young boys to serve us. It is all a matter of give and take".

– Naved, 38, truck driver, Peshawar – from ECPAT International and Pakistan Pediatrics Association (2006), *Situational Analysis. Report on Prostitution of Boys in Pakistan (Lahore & Peshawar)*, Bangkok: ECPAT, 47.

¹⁸⁰ Frederick, "Sexual Abuse and Exploitation of Boys in South Asia", 112.

¹⁸¹ Save the Children, *A Situational Analysis of Pakistan*, 33.

¹⁸² ECPAT International (2011), *Global Monitoring. Status of Action against Commercial Sexual Exploitation of Children: Pakistan*. 2nd edition, Bangkok: ECPAT, http://ecpat.net/sites/default/files/A4A_V2_SA_PAKISTAN.pdf.

¹⁸³ U.S. Department of State, *TIP Report 2014*, 302.

¹⁸⁴ ECPAT, *Global Monitoring: Pakistan*.

¹⁸⁵ *Ibid.*

Sri Lanka

Sri Lanka became internationally renowned in the 1980s for the high presence of SECTT.¹⁸⁶ In 1994, the country's beach resorts were described by the United Kingdom based newspaper *The Independent* as "hunting-grounds for European child abusers and pornographic video makers".¹⁸⁷ However, in spite of programmes to combat SECTT (discussed further in chapter 5), SECTT in Sri Lanka still appears to be prominent.¹⁸⁸

In 2011, the National Child Protection Authority (NCPA) warned of an increase in the sexual exploitation of children connected to the rapid growth in the tourism sector. Since the end of the 25-year-long civil war with the Liberation Tigers of Tamil Eelam (LTTE), the country's tourism industry has continued to expand, reaching, and exceeding, its goal for 2014 of welcoming 1.5 million arrivals.¹⁸⁹ Sri Lanka has set a target of 2.5 million arrivals by 2016.¹⁹⁰ With the country now at peace, the economic growth of the island nation is heavily tourism-driven; however, there has been less growth in child protection and rural poverty continues to increase.¹⁹¹

The 2010 study by UNICEF on Sexual Exploitation of Boys in South Asia, indicated that SECTT was more

prominent amongst boys than girls in Sri Lanka.¹⁹² Moreover, sexual exploitation of boys in Sri Lanka is more linked to the foreign tourist industry, as compared to other countries in the region where local offenders are more common.¹⁹³ Boys are an average age of 14 at the time of their first sexual abuse.¹⁹⁴ Offenders tend to be male, and often relatives, peers or family friends.¹⁹⁵ For boys who live near tourist destinations, foreign child sex offenders seem to be the first perpetrators.¹⁹⁶ Several studies have shown that boys are rarely forcefully coerced into sexual contact; instead a high level of "consent" has been noted.¹⁹⁷ Data shows that about 20% of boys enter the sex industry due to economic reasons, whereas over one-third enters due to peer-influence or the social environment.¹⁹⁸ There are cases where young boys are 'sold' by their families to older boys, or cases when parents encourage their children to enter the sex industry, although this appears more prevalent with girls.¹⁹⁹ There are cases noted of boys entering sexual interactions with foreign tourists without remuneration, but instead as a basis for companionship or friendship.²⁰⁰ There are some indications of female offenders with 'beach boys', meaning that a foreign tourist takes on a 'temporary boyfriend' during her holiday.²⁰¹

¹⁸⁶ Squire, Jason and Wijeratne, Sarasi (2008), Sri Lanka Research Report. The Sexual Abuse, Commercial Sexual Exploitation and Trafficking of Children in Sri Lanka, Lausanne: Terre des Hommes, 8, accessed 6 July 2015, http://www.childtrafficking.com/Docs/trafficking_report_srila-ka_17_12_08.pdf.

¹⁸⁷ McGirk, Tim, "Sex Tourists Prey on Sri Lanka's Children: Beach Resorts are Hunting-Grounds for European Child Abusers and Pornographic Video Makers", *The Independent*, 19 January 1994, accessed 30 July 2015, <http://www.independent.co.uk/news/world/sex-tourists-prey-on-sri-lankas-children-beach-resorts-are-huntinggrounds-for-european-child-abusers-and-pornographic-video-makers-tim-mcgirk-reports-from-colom-bo-1407820.html>.

¹⁸⁸ Laccino, Ludovica, "Top Five Countries with Highest Rates of Child Prostitution", *International Business Times*, 6 February 2014, accessed 30 July 2015, <http://www.ibtimes.co.uk/top-five-countries-highest-rates-child-prostitution-1435448>.

¹⁸⁹ Neubauer, Ian Lloyd, "Sri Lanka's Grand Tourism Plan Faces Hurdles", *AlJazeera.com*, 16 October 2014, accessed 30 July 2015, <http://www.aljazeera.com/indepth/features/2014/10/sri-lanka-grand-tourism-plan-faces-hurdles-2014109101850508325.html>.

¹⁹⁰ Government of Sri Lanka, Ministry of Labour Relations and Productivity Promotion (2010), "Sri Lanka's Roadmap 2016 and the Worst Forms of Child Labour. From Commitment to Action", 21, accessed 21 July 2015, http://www.unicef.org/srilanka/2003_UNICEF_Roadmap_wcms_149650.pdf.

¹⁹¹ Squire and Wijeratne, Sri Lanka Research Report.

¹⁹² Frederick, "Sexual Abuse and Exploitation of Boys in South Asia".

¹⁹³ *Ibid.*, 126.

¹⁹⁴ *Ibid.*, 127.

¹⁹⁵ *Ibid.*, 127.

¹⁹⁶ *Ibid.*, 127.

¹⁹⁷ *Ibid.*, 127.

¹⁹⁸ *Ibid.*

¹⁹⁹ *Ibid.*, 202.

²⁰⁰ *Ibid.*, 53.

²⁰¹ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies, 35.

Sexual exploitation takes place mainly in guesthouses and hotels as well as in houses rented by foreigners for long-term stay.²⁰² Contact is made through approaching a child or being approached by a child on the beach, or through intermediaries such as rickshaw drivers, hotel personnel and tourist guides.²⁰³ Moreover, networks of other boys or relatives of a child sometimes act as brokers.²⁰⁴ Many sex offenders return and visit the same child, at times supporting a child by paying for house-construction or education. There appears to be a high prevalence of grooming, where foreign tourists entice children with clothes, money, food and promises of support for their parents and future travels.²⁰⁵ Some qualitative cases showed that child sexual abuse material has been produced in the Sri Lankan sex market but recent studies would be useful.

The 2014 U.S. Trafficking in Persons report identified Sri Lanka mainly as a source for the trafficking of children for sexual exploitation.²⁰⁶ Within the country, there are thousands of children trafficked from rural to urban areas to supply the demand for children by tourists.²⁰⁷ There have been several academic studies on issues of child exploitation in Sri Lanka. Yet, whilst Sri Lanka began researching CSEC in the 1980s, much earlier than other countries in the region,²⁰⁸ there is not much new research emerging post-2010. There is no reliable quantitative data, and the qualitative studies that do exist are lacking.²⁰⁹

²⁰² Frederick, "Sexual Abuse and Exploitation of Boys in South Asia", 23.

²⁰³ *Ibid.*

²⁰⁴ *Ibid.*

²⁰⁵ *Ibid.*

²⁰⁶ U.S. Department of State, TIP Report 2014, 355.

²⁰⁷ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies, 35.

²⁰⁸ Frederick, "Sexual Abuse and Exploitation of Boys in South Asia", 21.

²⁰⁹ *Ibid.*, 21.

CHAPTER 4

‘WHERE ARE WE HEADING?’ EMERGING TRENDS IN SOUTH ASIA

This chapter focuses on key current and emerging trends in SECTT for the South Asian context. The chapter does not delve deeper into child protection measures taken by South Asian countries, but this is dealt with in the following chapter. While there is a lack of research and data, some trends can be discerned from the available information.

DOMESTIC AND INTRAREGIONAL TRAVEL AND TOURISM

The rapid socio-economic changes that the region is experiencing have resulted in an upsurge of disposable income, and the large South Asian middle-class has become increasingly mobile. Each of South Asia's countries, apart from the Maldives, demonstrates a significant domestic tourism market. Some countries, such as Bangladesh, have no real international tourism sector to account for but generate 97% of tourism receipts from domestic travellers. With local men identified as the largest proportion of customers in the cases reported, research into this is vital. As for Pakistan, SECTT relates more to travellers rather than tourists, or to pilgrims and local tourists who move around domestically. Similarly, the Indian NGO Sanlaap recently highlighted a link between the trafficking of children for sexual purposes and roadside hotels where truckers and travellers stop-off.²¹⁰ The mobility of South Asia's population in terms of infrastructure needs to be addressed, and the prevalence of sexual exploitation of children that relates to bus- and train stations stands

out. Moreover, existing evidence indicates that domestic travellers are more likely to frequent brothel-areas and child prostitution establishment; thus, as a significant number of girls trafficked within and among South Asian countries end up in these establishments, an assessment of domestic tourism is needed.

Similarly, most tourism is intra-regional.²¹¹ More than half of the international tourists to Bhutan in 2014 were from the Asia and Pacific region.²¹² Sri Lanka Tourism registered a 28% growth in Indian arrivals at the end of July 2015.²¹³ As visa requirements are waived between many of the region's countries, people can move around relatively freely. Further, red light areas seem to be common in border towns. The Indian-Bhutanese border town Phuentsholing has recorded cases of Indian tourists 'flocking' to the town, which is growing increasingly famous for its massage parlours.²¹⁴

Moreover, a staggering number of South Asians migrate for work. Rural to urban mobility is high, with the majority of migrants looking for work opportunities in the urban centres. A pattern of relevance is intra-regional and international migration. Six million migrant workers left India in the years 2000 to 2010, at a growth rate of around 16% annually, the top destinations being UAE, Oman, Qatar and Kuwait.²¹⁵ In 2010, 1.5 million Nepali nationals were estimated to be working in India.²¹⁶ As India and Nepal have no visa policy, these workers do not officially count as 'migrant workers'.²¹⁷ Sri Lankan nationals frequently migrate to the Gulf.²¹⁸ In cases of

²¹⁰ Sanlaap (2015), "Country specific-report, India: West Bengal", www.globalstudysectt.org

²¹¹ UNWTO, "World Tourism Highlights 2015".

²¹² Government of Bhutan, Tourism Council (2014), Bhutan Tourism Monitor Annual Report 2014, Timphu: Tourism Council of Bhutan, accessed 15 July 2015, http://tcb.cms.ebizity.net/attachments/tcb_062415_bhutan-tourism-monitor-2014.pdf.

²¹³ Sri Lanka Tourism Promotion Bureau, "Sri Lanka Makes Inroad to Indian Religious Tourism Market", accessed 7 August 2015, http://www.srilanka.travel/travel_news?news=340.

²¹⁴ Rai, Rajesh, "The Sleazier Side of Phuentsholings Beauty Parlours", Kuensel, 10 December 2014, accessed 18 July 2015, <http://kuenselonline.com/archive/the-sleazier-side-of-phuentsholings-beauty-parlours/>.

²¹⁵ Ozaki, "Worker Migration", 3.

sexual exploitation of children in South Asia, frequent offenders are migrant workers.²¹⁹ Further, as discussed above, there is a high prominence of sexual exploitation of children by truckers.²²⁰ There appears to be a relation between men migrating away from home for long periods of time and the commercial sexual exploitation of children. To that extent, SECTT involving migrant workers would be relevant to explore, not only for the vulnerability of many migrating workers who may themselves be children, but for the vulnerability of children at destinations and infrastructural crossings. Further, there are no studies on the CSEC by South Asian travellers or migrant workers outside the region.

NEW DESTINATIONS, LITTLE KNOWLEDGE

International tourist arrivals are not spread equally across the region. Countries such as Afghanistan, Bangladesh and Pakistan are not prone to much international tourism, although Bangladesh and Pakistan receive Indian travellers. Both Bangladesh and Pakistan are also experiencing increases in domestic travel and tourism. Bhutan's travel and tourism sector is rapidly expanding, and there are large investments going into developing this sector.²²¹

The most popular gateway to enter Bhutan in 2014 was Bangkok, from where 43.7% of tourists entered the country.²²² As the country is extending its infrastructure to reach new areas, and cope with the increasing demand from international arrivals, there are concerns as to how the small country will be able to maintain the current high-end sustainable tourism.²²³ The country is currently conducting research into violence against children through UNICEF, but as of now there is not much information and thus a lack of properly targeted child protection systems. As the 2014 U.S. Trafficking in Persons report²²⁴ emphasised: Bhutan will be facing new challenges of organised crimes as the country opens up to travel and tourism. Vulnerable children across the country may experience more risks. Similarly, Nepal is emerging as a 'new South East Asia'.²²⁵ There are indications that the sex industry is becoming a tourist attraction with several reported case of SECTT and sexual exploitation in the growing entertainment

industry. International law enforcement agencies warn against the displacement effect, in which child sex offenders change locations as a response to the heightened risk of detection.²²⁶ As countries such as Sri Lanka and the South East Asian region tighten child protection structures, children in Nepal may thus become increasingly vulnerable.

Lastly, several new destinations in India are emerging as travellers aim to move 'beyond the beaten path'. The upsurge of tourism in Kerala as 'the new Goa' is one of these trends and cases have emerged of a blossoming child sex tourism industry in Alleppey, famous for its houseboat adventures. Moreover, India's booming travel and tourism sector poses a threat for neighbouring countries like Bangladesh and Nepal, due to the demand of children for sexual exploitation and the tendency of children to migrate for labour opportunities stretches across borders. A significant number of children may thus be vulnerable to SECTT indirectly through India.

There is virtually no recent and comprehensive data on SECTT from the region. As travel and tourism continues to grow, combined with the spill-over effect into neighbouring countries, it is important that the region tries to ensure its research and child protection policies develop at the speed of its travel and tourism sector.

THE EVOLVING SEX INDUSTRY

Whilst conventional street and brothel work still exists, there are several new contexts for CSEC. One is based in the location where the selling of sex occurs. Rather than in designated red light areas, the sex trade is shifting to hotel rooms, guesthouses and rented flats in suburban areas as well as to hotels along motorways.²²⁷ This further calls for an increased need for intermediaries in order to connect child sex offenders and children, but also through the expansion of ICT use. This severely complicates law enforcement measures. Second, informal or brothel-based child prostitution is evolving to become a complex interplay of entertainment and the sex trade. In addition to professional sex workers, exploitation of children through prostitution now occurs in massage parlours and dance establishments where masseuses, waitresses and entertainers form a

²¹⁶ Ozaki, "Worker Migration", 3.

²¹⁷ *Ibid.*, 3.

²¹⁸ *Ibid.*

²¹⁹ Equations and Vikas Samvad, *Exploitation of Children in Tourism*.

²²⁰ Frederick, "Sexual Abuse and Exploitation of Boys in South Asia", 108.

²²¹ Tourism Council of Bhutan, *Annual Report 2014*.

²²² *Ibid.* vii.

²²³ Chhabra, "Can Traditional Bhutan Survive Tourism?".

²²⁴ U.S. Department of State, *TIP Report 2014*, 101.

²²⁵ Das, Bijoyeta, "Nepal's Sex Industry Boom Lures Young Jobseekers", *WomensEnews.com*, 12 February 2013, accessed 29 July 2015, <http://womensenews.org/story/prostitution-and-trafficking/130208/nepals-sex-industry-boom-lures-young-jobseekers>.

²²⁶ CEOP-NCA (2013), "Threat Assessment of Child Sexual Exploitation and Abuse June 2013", London: CEOP, 16, accessed 28 July 2015, http://ceop.police.uk/Documents/ceopdocs/CEOP_TACSEA2013_240613%20FINAL.pdf.

²²⁷ ECPAT, *CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies*, 23.

significant part of the expanding child sexual exploitation business.²²⁸ Forming part of a 'veil of legitimacy', the entertainment industry can encourage children, mostly young girls, to enter the trade gradually.²²⁹ Girls working in these establishments are often required to allow clients to harass them in order to keep their jobs.²³⁰ The entertainment industry caters to demands of tourists, as well as the perception of a 'modern lifestyle'.²³¹ To this extent, cafés and bars, clubs and cabin restaurants are promoting a package of music, alcohol, etc. that portrays a certain way of life where anything is possible.²³² The diversified locations and entry points mean that law enforcement becomes more problematic; however, working in these kind of establishments can often be safer than street-based sex work.²³³

The promotions of tourism packages in the region sometimes cater to its exoticisation. The 'Incredible India' campaign promotes India as offering "a different aspect of her personality - exotic, extravagant, elegant, eclectic - to each traveller to the country".²³⁴ Moreover, promoting the idea of tourists helping a poor country develop may add to the notion of entitlement by travellers. In 2015 the Nepali Embassy launched a campaign in Thailand, Singapore and Lao PDR to promote tourism in Nepal with the slogan: "Nepal is Safe: Visit, Enjoy and Help Nepal."²³⁵

CHARACTERISTICS OF PERPETRATORS IN SECTT

There is still a common misconception in the region that child sex offenders in travel and tourism are male, middle-aged and Western. As discussed above, a great proportion of offenders are from South Asia. Child sex offenders are not a homogenous group but have different motivations, patterns and approaches of offending. Although offenders are often grouped into situational and preferential offenders, the various patterns of offending differ to such an extent that it may be of relevance to consider offenders to be on a 'scale', or rather; not to group offenders too carelessly. The region has a large influx of preferential offenders, in particular to Sri Lanka, Goa and Nepal. As preferential offenders travel with the purpose of offending, their patterns are linked to grooming and are more likely to be involved in ICT-related aspects of the emerging environment in which SECTT takes place. At the same time, situational child sex offenders are said to be those who travel without the intention of sexually exploiting children, but who act opportunistically. However, as there are patterns of perpetrators staying in locations for longer times, as backpackers, foreign students, residents and volunteers; the situational child sex offender suddenly has 'opportunities to act opportunistically' on a frequent basis. Simplifying profiles might lead to assumed patterns, and a lot of situational offenders may be overlooked whilst repeatedly exploiting children. There are problems with any generalised offender typology, but the creation of categories is essential to directly tackle different patterns that child sex offenders display.

CEOP Typologies for Travelling Sex Offenders

- 1) Opportunity instigation - Child sex offenders who take advantage of the holiday setting to sexually exploit/ abuse children.
- 2) Self-contained abuse - Travelling abroad together with one's intended victim.
- 3) Speculative exploring - Travelling abroad to a location that is known to have children available for sex.
- 4) Informed networking - Pre-arranging to sexually exploit children.
- 5) Resident foreigner abuse - A foreign current-resident who sexually abuses children.
- 6) Pseudo-care work - Offenders who are professionals and/or volunteers and abuse children through their work.
- 7) Internet-facilitated offending overseas - Abusing children in other countries via the Internet.

– CEOP-NCA (2013), "Threat Assessment of Child Sexual Exploitation and Abuse. June 2013", London: CEOP.

²²⁸ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies, 23.

²²⁹ Das, "Nepal's Sex Industry Boom Lures Young Jobseekers".

²³⁰ Ibid.

²³¹ Lorway, Dorji et al., "The Drayang Girls of Thimphu".

²³² ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies, 24.

²³³ Das, "Nepal's Sex Industry Boom Lures Young Jobseekers".

²³⁴ Government of India, Incredible India, "Travel", accessed 29 July 2015, <http://incredibleindia.org/index.php/travel>.

²³⁵ Government of Nepal, Embassy of Nepal in Thailand, "Tourism Campaign in Phuket with the slogan of 'Nepal is safe: Visit, Enjoy and Help Nepal'", 19 June 2015, http://nepalembassybangkok.com/safe_enjoy.php.

Additionally, reports state that female predators are active in South Asia.²³⁶ In Sri Lanka in particular, female child sex offenders have been known to take on 'boyfriends' during their holiday stays.²³⁷ Studies show that female offenders often meet children through interacting with them at tourist locations, such as the beach or resorts. Research by Equations in 2009 found that female child sex offenders were travelling to Madhya Pradesh for long periods of time to sexually exploit boys.²³⁸ There is much discussion on who the 'majority offender' is, and although male predators dominate it is important to acknowledge that data is often not disaggregated between SECTT and other CSEC. Thus, while there may be more male offenders reported overall, it does not mean that the percentage of female offenders in SECTT per se is not of relevance.

BOYS AND SECTT

Similarly, there is rarely one profile for a child victim of SECTT, although the majority come from socio-economically disadvantaged backgrounds. Studies show that boys often tend to be involved in street-based prostitution, being solicited in public places such as beaches, public parks and entertainment districts.²³⁹ Moreover, boys are highly vulnerable in places of infrastructural crossings, such as bus and train stations, where they are more likely to make contact with travelling child sex offenders. Data shows that girls may face greater threats in the private sphere, with the risk for boys being elevated in the public sphere.²⁴⁰ It appears to relate to gender relations; with boys achieving greater freedoms and thus more likely to frequent public places as well as be employed in settings where they come into contact with strangers. In particular for cases of SECTT, this increases the vulnerability of boys, as boys may frequent locations that attract travellers and tourist whereas girls are less likely to move around unsupervised. It is worth noting that gender relations are changing in South Asia, and girls are gaining more freedom to move around, as well as there being less of a taboo for girls to work. As girls gain more freedom and independence, it may also make them more vulnerable to sexual exploitation in the public sphere.

Boys appear to be less engaged in establishment-based commercial sex and are more likely to be involved in

street-based and the unregulated sex trade. It appears that boys are more sought out by foreign predators, and girls are more likely to be victims of local offenders, at least in the tourist industry.²⁴¹ The vulnerability of boys is linked to the idea of the preferential child sex offender, and has become a commonly portrayed view of perpetrators in Sri Lanka. Disturbingly, data shows how some parents approve, or even encourage, their sons to enter the commercial sex trade in relation to the travel and tourism industry; accepting gifts and support from foreign tourists.²⁴²

Evidence-based information is lacking on the sexual exploitation of boys in travel and tourism, much of the ethnographic studies being more than five years old. The majority of studies focus on the trafficking of women and girls. Yet, information on the vulnerability of girls in SECTT is also lacking. Studies to date concentrate on the recruitment and transportation of children in trafficking, but there is a lack of research on the exploitative environments where they end up.²⁴³ Research shows that girls are more likely to end up in the formalised sex- and entertainment industries, the latter mostly frequented by local travellers and tourists. Thus, with the recruitment and transportation research focus being mainly on girls, and the exploitation at tourism destinations stressing the vulnerability of boys, there are data gaps for both genders. As focus lies on foreign offenders in much of the policy and data, girls may end up overlooked in combatting strategies, the same way that social child protection for boys may increase their vulnerability to end up in situations where they encounter and experience grooming by foreign, and domestic, child sex offenders.

'VOLUNTOURISM' AND ORPHANAGE TOURISM

'Voluntourism' is a rapidly expanding industry, and is, as of 2014, worth around \$2.6 billion.²⁴⁴ The concept of short-term volunteering, often as part of leisurely travel holidays or study abroad programmes, is one of the newly emerging sectors in the tourism market. The sector is diverse, with people 'helping out' through anything from a three month volunteer project, to adding a week onto a business or holiday trip or even spontaneously helping out for a day at a tourist

²³⁶ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies, 35.

²³⁷ *Ibid.*, 35.

²³⁸ Equations and Vikas Samvad, *Exploitation of Children in Tourism*.

²³⁹ Frederick, "Sexual Abuse and Exploitation of Boys in South Asia".

²⁴⁰ *Ibid.*, 10.

²⁴¹ Equations and Vikas Samvad, *Exploitation of Children in Tourism*.

²⁴² Frederick, "Sexual Abuse and Exploitation of Boys in South Asia", 131.

²⁴³ *Ibid.*

²⁴⁴ Edwards, Eliza, "Buying the Feeling of Doing Good - Voluntourism is Growing", *Sydney Morning Herald*, 20 December 2014, accessed 12 July 2015, <http://www.smh.com.au/it-pro/buying-the-feeling-of-doing-good--voluntourism-is-growing-20141211-125k4r>.

destination.²⁴⁵ The sector is common and fast growing in South Asia. Volunteering opportunities range from biodiversity projects, to teaching English and helping out in orphanages or children's shelters. VolNepal offers 'drop-in opportunities', where volunteers can pop in to help with taking pictures, proposal writing and creative therapeutic activities with children.²⁴⁶ Volunteering India advertise 'mini-break programs' where volunteers can come to India to do a two-week programme including weekend excursions to locations such as the Taj Mahal.²⁴⁷ At a cost of \$690, volunteers can sign up to "work in the street kids shelter homes in Delhi. Volunteers can bring smiles on the faces of these disadvantaged street children by helping to create an environment conducive for their holistic development in order to enable them to become a part of mainstream society [...] program consists of taking informal education classes with the children, playing games [...] and introducing them to different new activities".²⁴⁸ The application process is simple: fill in an online form and go straight to the payment gate.

A background check is rarely done in these situations, and volunteers often do not even go through the basic vetting of having their curricula vitae or references checked. As opportunities often involve work with children, there is a risk to attract child sex offenders. The CEOP found that one in five offender management cases from 2011 were associated with roles involving access to

children.²⁴⁹ Most common were occupations or voluntary roles in schools. A report by Terre des Hommes and UNICEF in 2008 found that many child-care institutions lacked sufficient resources to ensure the permanent supervision by qualified staff.²⁵⁰

Children in institutionalised settings are thus highly vulnerable. Save the Children's study on city kids from 2012 cited poverty as the main reason why families place their children in shelters or orphanages.²⁵¹ Children are promised an education and families are able to reduce the costs at home.²⁵² The study showed that 80% of 20,000 children in institutions in Sri Lanka in 2006 had one or both of their parents still alive.²⁵³ Similarly, the US Nepal 2014 Human Rights Report indicated two of three children in registered homes in Nepal were not orphans.²⁵⁴ As 'voluntourism' grows, there is a risk of an added demand for 'orphans' and vulnerable children. With personnel being able to charge volunteers substantial amounts for their good deeds, the sector is becoming increasingly profitable.²⁵⁵ To this extent orphanages are not always run in the interest of the children but in order to generate profits.²⁵⁶ In Nepal, 80% of orphanages are within the three largest tourist cities, and orphanages are opened without a need for licences or monitoring.²⁵⁷

The negative effect of 'voluntourism' may thus, at times, exceed the charitable aim. Not only can a lack of

Case Study: 'Voluntourism and the demand for orphans?'

In May 2014, over 500 children were found on trains arriving in Kerala from West Bengal, India. The children, most of who were below the age of 12, were on their way to Mukkam Muslim Orphanage in Kozhikode and Vettathur Anwarul Orphanage in Malappuram. Child rights activists said most of the children did not have mandatory documents such as admission papers and birth certificates, needed to support the claim that they were being brought to the orphanages for better education and care. The orphanages were accused of taking children to Kerala in order to get huge grants from donor agencies. The case is, as of September 2015, not resolved, and the eight persons arrested have been released on bail.

– *The Hindu*, "CBI starts probe into 'child trafficking' case", 2 August 2015.

²⁴⁵ Bread for the World, Working Group Tourism & Development and ECPAT Germany (2015), "From Volunteering to Voluntourism. Challenges for the Responsible Development of a Growing Travel Trend", Berlin/Basel/Freiburg: Bread for the World Working Group Tourism & Development, ECPAT, p. 4, accessed 12 July 2015, http://www.tourism-watch.de/files/profil18_voluntourism_final_en_1.pdf.

²⁴⁶ VolNepal, "Drop In Opportunities", accessed 3 August 2015, <http://www.volnepal.org/drop-in-opportunities>.

²⁴⁷ Volunteering India, "Mini Break Program Delhi 2014-2015", accessed 3 August 2015, <https://www.volunteeringindia.com/short-term-volunteer-program-delhi-india.html>.

²⁴⁸ Ibid.

²⁴⁹ CEOP-NCA, "CEOP Launch a New Way to Prevent UK Child Sex Offenders from Abusing Children Overseas", 18 October 2012, accessed 8 August 2015 <http://ceop.police.uk/Media-Centre/Press-releases/2012/CEOP-launch-a-new-way-to-prevent-UK-child-sex-offenders-from-abusing-children-overseas/>.

²⁵⁰ Terre des Hommes and UNICEF, Adopting the Rights of the Child.

²⁵¹ West, "City Kids".

²⁵² Ibid.

²⁵³ Ibid., 14.

²⁵⁴ Government of the U.S., Department of State (2014), "Country Report on Human Rights Practices for 2014: Nepal", Washington D.C: U.S. Department of State, 29, accessed 1 September 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236646>.

²⁵⁵ Bread for the World, Working Group Tourism & Development and ECPAT Germany, "From Volunteering to Voluntourism".

²⁵⁶ Ibid.

²⁵⁷ Ibid., 11.

vetting of volunteers facilitate the sexual exploitation of children by travellers and tourists, but also the demand for vulnerable children by the sector has shown to lead to cases of trafficking of children for 'voluntourism purposes'. Traffickers can exploit the need for parents to send their children away for education opportunities.

'Voluntourism' does not necessarily have to be a negative thing, but the interests of people at the destination need to be identified. The 'voluntourism' trend is not affecting the region equally. Bhutan, for example, tends to have long-term volunteers who are mainly technical experts in various areas.²⁵⁸ Furthermore, orphanages are not common in Bhutan. Religious institutions take in children without appropriate care. UNICEF recently supported a project making the child care in monasteries linked to national child protection laws and policies, since religious institutions in Bhutan otherwise operate outside the system.²⁵⁹

ICT-RELATED TRENDS AND SECT

As child sex offenders are increasingly making use of the Internet and other forms of ICT to exchange information, share materials and communicate with children and intermediaries, the means used for sexual abuse are becoming increasingly complex. According to the latest report by the UN Special Rapporteur, "child victims of online sexual exploitation are younger and younger, and the images are more and more horrific".²⁶⁰ Children across the globe are reported to use the Internet in very similar manners, accessing it for schoolwork and social networking sites.²⁶¹ Although there is no child that is exempt from risk, there are certain groups that are more vulnerable than others.²⁶² Children in poverty who have access to the Internet appear to be the most vulnerable to forms of online solicitation due to the economic pressure they are facing.²⁶³ As South Asia experiences

advancements in Internet services, with a booming number of cyber-café and widespread usages of mobile phones, a significant number of children are at risk of online sexual exploitation.²⁶⁴

There is little direct evidence on the effect of ICT on children's safety in South Asia, especially with regards to travel and tourism. Studies have been carried out to see whether children themselves access pornographic materials online, and whether this may impact their safety and health. As children access pornographic materials and sex-focused chat rooms from Internet cafés, they are at risk of sexual exploitation by online predators.²⁶⁵ There have been reports of webcam child sexual exploitation, as child sex offenders connect with children online, directly or through intermediaries, for children to perform sexual acts in front of the webcam.²⁶⁶ Moreover, live-on-demand web streaming of child sexual exploitation appears to become more frequent. It is a highly profitable industry as multiple users with minimal risk of legal repercussions can view the abuse.²⁶⁷ With the diversification of the sex industry in India, there are cases reported where children are kept in hotels or suburban houses, and communication is handled online via an intermediary to arrange for the abuse.²⁶⁸

In South Asia there are some indications that online grooming is on the rise. Grooming has been shown to be an effective method, offline, by preferential child sex offenders in the travel and tourism market in South Asia, when predators often return to the same child over a period of time to gain their trust through gifts and support.²⁶⁹ Online, the phenomena is spreading, and research has shown that grooming patterns are emerging where predators keep online connections with several children at the same time, sometime as many as 200, nurturing youth at different stages of the grooming process.²⁷⁰ The purpose is to initially gain a child's trust through chats and visual communication, but

²⁵⁸ Volunteers in Bhutan Committee, "Opportunities in Bhutan", accessed 3 August 2015, <http://www.vib.org.bt/html/oppotunity.htm>.

²⁵⁹ Kelly, Annie, "Bhutan Brings Children's Rights to Monastic Schools", *The Guardian*, 20 February 2013, accessed 17 July 2015, <http://www.theguardian.com/global-development/2013/feb/20/bhutan-children-rights-monastic-schools>.

²⁶⁰ UN Special Rapporteur on the sale of children, child prostitution and child pornography, Dr. Najat Maalla M'jid (2013), Report presented at the 25th Session of the Human Rights Council

²⁶¹ UNICEF Innocenti Research Centre (2012), *Child Safety Online. Global Challenges and Strategies*, Florence: UNICEF Innocenti Research Centre, 12, accessed 5 August 2015, http://www.unicef-irc.org/publications/pdf/ict_techreport3_eng.pdf.

²⁶² Uddin, Hossain and Mahub, "Vulnerability to Child Pornography".

²⁶³ UNICEF Innocenti Research Centre, *Child Safety Online*, 27.

²⁶⁴ Save the Children, *Stepping Up Child Protection*.

²⁶⁵ ECPAT, *CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies*, 31.

²⁶⁶ *Ibid.*, 31.

²⁶⁷ *Ibid.*

²⁶⁸ Sanlaap (2015), "Country specific-report, India: West Bengal", www.globalstudysect.org

²⁶⁹ Equations and Vikas Samvad, *Exploitation of Children in Tourism*.

trends show that it rapidly escalates into intimidation and threatening situations.²⁷¹ As children share material of themselves, the abuse continues indefinitely through as the child abuse images are difficult or impossible to erase from the Internet.

There is a lack of data on how ICTs usage relates to the travel and tourism industry, but there are a few scenarios. Firstly, child sex offenders can share information, as well as cooperate to produce and disseminate child abuse images. Moreover, SECTT can occur through the predator grooming a child prior to arriving at the tourist destination, the ultimate aim of the grooming process often being to meet up in person. Research has shown that even when children are aware that one should not meet-up with or divulge information to 'strangers',

children sometimes distinguish between 'strangers' and 'virtual friends'.²⁷² There are also some documented cases where offenders take photos of/film abuse at a tourist destination. The material is thereafter shared on websites or over The Cloud.²⁷³

As online access and mobile usage is spreading across South Asia, even to more remote areas, research and awareness are essential in order to heighten child protection. Similarly to the aforementioned emerging trends, the main focus should be to gather quantitative and qualitative data in order to get a better understanding of various patterns of sexual exploitation to which children are vulnerable. This will help identify and implement projects and legislation to combat SECTT.

²⁷⁰ CEOP-NCA, "New Trends in Child Sexual Abuse".

²⁷¹ Ibid.

²⁷² Davidson, Julia C. and Martellozzo Elena, "Protecting Vulnerable Young People in Cyberspace from Sexual Abuse: Raising Awareness and Responding Globally", *Police Practice and Research: An International Journal* 9, No.4 (2008): 277-289.

²⁷³ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies, 31.

CHAPTER 5

INTERNATIONAL, REGIONAL, NATIONAL AND LOCAL RESPONSES TO SECTT

As evident from the previous chapters, SECTT is a complex problem and any measures to prevent and combat the phenomenon require input from a multitude of stakeholders. Twenty years after the First World Congress on Commercial Sexual Exploitation of Children, which highlighted issues of travel and tourism in particular, SECTT has not been sufficiently incorporated into legislation by South Asian countries on a regional, national nor local level. Neither has the travel and tourism industry seriously acknowledged SECTT as a pressing child rights issue. Still, at all levels, a range of stakeholders have worked on issues of sexual exploitation and abuse of children, and recently, the region has been especially focused on violence against children. Much of this work is relevant to issues of SECTT. This chapter will aim to outline the more recent responses that have been devised by various stakeholders with regards to SECTT to address key areas of national planning, coordination and cooperation, protection, prevention, prosecution and child participation. Whilst steps are being taken across the region to strengthen child protection, a significant number of children in South Asia are still highly vulnerable to SECTT.

REGIONAL ACTIONS TO COMBAT SECTT

Governments in the region have recognised the importance of regional coordination and collaboration. All countries are members of the South Asian Association for Regional Cooperation (SAARC), created when its charter was adopted by Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka in 1985²⁷⁴. Afghanistan joined SAARC in 2007. The SAARC countries adopted the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in 2002 as the

first regional treaty to specifically address trafficking, defining trafficking as “the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking”.²⁷⁵ The convention further defines ‘persons subjected to trafficking’ as “women and children victimised or forced into prostitution by the traffickers by deception, threat, coercion, kidnapping, sale, fraudulent marriage, child marriage, or any other unlawful means”. Additionally, the SAARC countries have ratified the Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, also enacted in 2002.²⁷⁶ Whilst none of these conventions explicitly address SECTT, they emphasise the importance of protecting vulnerable children and victims of sexual exploitation.

To more comprehensively address regional issues of violence, the South Asia Forum for Ending Violence Against Children (SAF) was established in 2005.²⁷⁷ Today, the forum is known as the South Asian Initiative to End Violence Against Children (SAIEVAC). SAIEVAC areas of priority are concerned with child marriage, corporal punishment, trafficking, child labour, sexual abuse and exploitation.²⁷⁸ With the formation of SAIEVAC and continuous regional conventions, South Asia reiterates its commitment to address issues of violence against children and work towards coordinating, standardising and monitoring progress.

The South Asia Coordinating Group on Violence against Women and Children (SACG), is made up of International NGOs and UN agencies that work against violence in the region. SACG supports the work of SAIEVAC by providing technical and financial support on various areas of expertise. Each member state sets up a National Action and Coordinating Group against Violence against

²⁷⁴ SAARC, “SAARC Charter”, <http://www.saarc-sec.org/SAARC-Charter/5/>.

²⁷⁵ SAARC (2002), “SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution”, accessed 23 July 2015, <http://www.saarc-sec.org/userfiles/conv-trafficking.pdf>.

²⁷⁶ SAARC (2002), “SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia”, accessed 23 July 2015, <http://www.saarc-sec.org/userfiles/conv-children.pdf>.

²⁷⁷ SAIEVAC, “History”, <http://www.saievac.org/about-saievac/history/>.

²⁷⁸ SAIEVAC, “Thematic Areas”, accessed 14 December 2015, <http://www.saievac.org/our-work-2/thematic-areas/>.

Women and Children (NACG) that is linked directly to SACG in order to strengthen and promote inter-agency work between multiple stakeholders.

With the aforementioned regional instruments, the regions does have a solid mechanism in place to address issues of trafficking and violence against children. In terms of SECTT specifically, there has been recognition of the issue at a regional level through the SAIEVAC Regional Workplan 2010-2015.²⁷⁹

The plan states:

“The most hidden and underreported form of violence against children and youth is sexual abuse. Sexual abuse affects both boys and girls and often happens within the family, in schools and the community, in the majority of cases (outside armed conflict zones) perpetrated by someone familiar to the child. Additionally, commercial sexual exploitation of children continues to be one of the most pervasive violations of children’s rights in South Asia and includes child abuse through child prostitution, sex tourism, child pornography, Internet pornography and trafficking. Recent studies provide evidence of sexual exploitation of boys to a much larger extent than previously recognised. The victims of exploitation and abuse are also at

*high risk of sexually transmitted diseases (STDs). Sexual abuse and exploitation are seldom reported because of a lack of child protection services, a lack of awareness-raising of them as human rights violations and crimes and because of the stigma faced by victims of such abuse and exploitation”.*²⁸⁰

The Workplan thus acknowledges ‘sex tourism’ as a prominent form of violence against children, something not explicitly done by documents and legislation on a national level. The Workplan additionally highlights a number of key advocacy messages:²⁸¹

- Implement credible national plans for ending violence against children.
- Legally ban all forms of violence in all settings.
- Mobilise additional resources to address issues of violence in a comprehensive manner.
- Recognise the multidimensionality of violence including physical and psychosocial abuse, neglect and exploitation.
- Understand that both boys and girls experience violence, including assuring that legislation and programmes protect and prohibit violence against both boys and girls and address their particular needs in different settings.

SAIEVAC 13 Strategic Steps for 2015

- 1) Reinforce regional cooperation: encourage members to share experiences, good practice and mutual assistance.
- 2) Develop and implement comprehensive national strategies/policies/plans of action.
- 3) Develop and enforce legislative measures aligned with UNCRC and other international and regional instruments.
- 4) Address root causes of violence against children to enhance prevention mechanisms.
- 5) Develop and implement a systematic national research and data collection system.
- 6) Professional training and learning to enhance capacity of all who work with or for children.
- 7) Develop childcare standards for all caregivers and alternative care arrangements.
- 8) Develop child friendly reporting systems.
- 9) Develop and define clear referral mechanisms.
- 10) Implement measures to promote recovery, rehabilitation and social integration of child victims.
- 11) Apply a justice system that pursues the best interest of the child.
- 12) Educate and raise awareness on child rights and protection.
- 13) Support participation of children, young people and civil society.

www.saievac.org.

²⁷⁹ SAIEVAC (2010), “Workplan 2010-2015”, accessed 5 August 2015, <http://www.saievac.org/wp-content/uploads/2011/12/SAIEVAC5YEAR-OWORKPLAN2010.pdf>.

²⁸⁰ Ibid., 16.

²⁸¹ Ibid., 15.

SAARC has further made active efforts to incorporate measures to mitigate the risks of ICT expansion in their work. For example, the SAARC 18th Summit held in Kathmandu in November 2014, agreed to establish a cyber crime-monitoring desk.²⁸²

Following the third consultation of the National Action and Coordinating Group against Violence against Children (NACG) in Colombo 2013, a regional consultation with South Asian Association of Child Helplines (SAACH) was held and it was agreed that:

*“SAARC Region will have fully institutionalised Uniform Toll Free Helplines and fully operational inter and intra country coordination and cooperation promoting effective interventions in the rescue/rehabilitation of victims, apprehend perpetrators of trafficking, and deter inter and intra country trafficking of women and children in South Asia”.*²⁸³

There have also been some bilateral agreements. For example, in 2006, the Governments of Bangladesh and India prepared a joint draft plan of action aimed to develop simple and standardised procedures in order to expedite the process and enhance children's care and protection.²⁸⁴ The plan aimed to emphasise the importance of adhering to the best interests of the child.

South Asia has been increasingly active in recognising and addressing child protection and child rights issues. However, there is a lack of recognition of SECTT as a specific manifestation of CSEC that may require its own preventive and combative measures. Instead, SECTT falls under measures addressing CSEC, and whilst relevant, specifically tailored sections in workplans incorporating measures to combat SECTT would help these efforts. Moreover, SECTT, if referenced, is generally referred to as 'child sex tourism', not fully acknowledging the complexity and the scope of the phenomenon. Lastly, there is a wide disparity in how countries have implemented the regional mechanisms at national and local level.

NATIONAL PLANS OF ACTION TO COMBAT SECTT

One priority action stressed by the Stockholm Declaration and Agenda for Action was the need for countries to develop National Plans of Action (NPAs) specifically focused on countering CSEC. NPAs are frequently used to evaluate and assess the commitment and ability of countries to address CSEC in all its forms, including SECTT. Plans are designed with the purpose of strategic and timely goals based on a country's current situational reality.

Sri Lanka's National Plan on Eradication of Child Sex Tourism appears to currently be the only NPA in the region dealing explicitly and directly with SECTT. Adopted in 2006, it emphasises the need for community awareness and capacity building for stakeholders in the travel and tourism industry, such as hoteliers, tour operators, airports, police, councils, guides, etc. Its implementation has been varied, strengthening registration in guesthouses and hotels for foreign tourists and travellers but has insufficiently addressed child protection due to lack of collaboration between the government and other stakeholders such as NGOs, civil society and the private sector.

Bangladesh, India, the Maldives, Nepal, Pakistan and Sri Lanka all have NPAs covering CSEC. In addition, India's recent five year plan (2011-2016) includes proposed research and data collection initiatives on ICT-use and child vulnerability as well as the need to establish a unified policy for responsible tourism to protect women and children from exploitation.²⁸⁵ Afghanistan's 2004 National Strategy for Children at Risk takes a broader approach to child protection issues than the prior NPA against Child Trafficking, but does not directly address CSEC nor child sexual abuse.²⁸⁶ It does, however, consider issues around the recruitment of children into the Afghan police and armed forces, relating to SECTT through targeting issues of military presence and harmful practices such as bacha bazi.²⁸⁷ Bhutan has made great

²⁸² SAARC (2014), "Kathmandu Declaration", 26-27 November 2014, § 27, accessed 6 August 2015, <http://www.saarc-sec.org/press-releases/18th-SAARC-Summit-Declaration/121/>.

²⁸³ SAIEVAC (2014), "SAIEVAC-SAACH (South Asian Association of Child Helplines) Consultation", SAIEVAC Newsletter 1, Issue 2 (August 2014):4, accessed 30 July 2015, <http://www.saievac.org/download/SAIEVAC%20Newsletter/SAIEVAC%20Newsletter%202%20Final%20Printing.pdf>.

²⁸⁴ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies, 63.

²⁸⁵ Government of India, Ministry of Women and Child Development (2011), "Five Year Strategic Plan (2011-2016)", accessed 23 July 2015, http://wcd.nic.in/sites/default/files/MWCD_Strategic_Plan_10-02-2011.pdf.

²⁸⁶ Government of Afghanistan, Ministry of Labor, Social Affairs, Martyrs & Disabled (2004), "National Strategy for Children 'at-risk'. A Better Future for Afghanistan's Vulnerable Children and their Families", accessed 7 August 2015, http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/AF/AFG_Afghanistan_National_Strategy_for_Children_at-risk.pdf.

²⁸⁷ Ibid.

efforts towards strengthening child protection through its 2011 Child Care and Protection Act (CCPA)²⁸⁸ and the 2012 Child Adoption Act (CAA),²⁸⁹ establishing the country's first framework for a comprehensive child protection system.²⁹⁰ The 2012 NPA for Child Protection includes provisions from these two acts. There have been some discussions around a NPA to combat CSEC. However, this has not been realised yet.

The plethora of NPAs in South Asia focusing on children's issues raises questions concerning the implementation effectiveness of proposed strategies and measures. Furthermore, whilst there have been substantial efforts made in developing NPAs, issues and measures concerning SECTT are rarely emphasised. Even when included, SECTT is referenced as 'child sex tourism' and incorporated as a manifestation of CSEC without much elaboration. Whilst a separate NPA for SECTT is not necessarily required in all countries, there is a need to actively acknowledge the specific challenges linked to SECTT as compared to other manifestations of CSEC, and incorporate this into existing NPAs on child protection and violence against children.

This multitude of NPAs and child-focused documents in the region provides a challenge when it comes to evaluating the presence and implementation of NPAs. Many documents and plans are pending for several years and next to no information is available on whether they have been adopted, and even less on monitoring and evaluating efforts of implementation. Documents are difficult to access, and secondary sources do at times give contradictory information. Moreover, relevant documents and plans are rarely accessible from the same source. This has resulted in many studies to date making observations based on, and referencing, information that is at times out-dated. Identifying and accessing up-to-date resources is not always possible. Additionally, the many documents and plans mean that targets often overlap and strategies and responsibilities for implementation are unclear or even contrasting.

COOPERATION AND COORDINATION MECHANISMS TO COMBAT SECTT

The complexity of SECTT means that it is of vital importance to adopt and implement measures across sectors, and thus for governments, the private sector, NGOs and civil society to work together to enhance capacities of countering and combating SECTT. Although cooperation and coordination mechanisms are emphasised on a regional level, efficiency of implementation varies. South Asia overall is relatively weak at engaging the private sector in combating issues of children's rights and protection. It is worth emphasising that there are few mechanisms directly tackling issues of SECTT.

Each country in the region is stated to have National Action Groups of Coordination for issues of violence against women and children,²⁹¹ but information on these groups, or on monitoring and evaluation efforts, are not always available.

As described in the "National Action and Coordinating Group against Violence against Women and Children (NACG) Terms of Reference", an NACG aims:

"To strengthen networking among the agencies at national level, building a national alliance to prevent, address and end violence against women, children, girls and boys.

To promote rights based and coordinated approach to preventing violence and protecting women and children by strengthening national and community based protection systems at all levels [...]

To actively promote, support and strengthen the national children's forum and cooperate with SAIEVAC in strengthening children's participation at national and regional level [...]

To actively encourage and support inter-agency cooperation at all levels such as cooperation with and between governments, UN agencies, INGO's and civil society organisations including children and young people [...]"

²⁸⁸ Government of Bhutan (2011), "The Child Care and Protection Act of Bhutan 2011", accessed 2 August 2015, <https://www.mindbank.info/item/5709>.

²⁸⁹ Government of Bhutan (2012), "Child Adoption Act of Bhutan 2012", accessed 2 August 2015, http://www.nationalcouncil.bt/assets/uploads/docs/acts/2014/Child_Adoption_Act_of_Bhutan_2012eng8th.pdf.

²⁹⁰ UNICEF South Asia, "Violence against Children in South Asia", accessed 18 July 2015, http://www.unicef.org/rosa/protection_7735.htm.

²⁹¹ SAIEVAC, "Core Partners", <http://www.saievac.org/about-saievac/core-partners/>.

The initiative has a large ground-based membership that converges up into interstate interaction through regional chapters, where both states and regions come together through representation on a National Board.

Afghanistan

The Social Affairs Division of the Ministry of Labour, Social Affairs, Martyrs and Disabled (SAD-MoLSAMD) is the main government body dealing with child protection.²⁹² The ministry coordinates with a multitude of child-focused organisations and other ministries. MoLSAMD has developed a database to be able to share statistics of cases of abuse with various stakeholders.

A variety of Child Protection Action Networks (CPANs) have been developed across national, provincial and district levels. CPANs work to coordinate prevention and responses to violence against children. CPANs also function as the main mechanism in referring cases to support services. Despite being the main and most expansive coordination effort, CPANs do not have enough resources or capacity to prevent and respond to issues of violence against children.²⁹³

Afghanistan has further set up an Independent Human Rights Commission (AIHRC) aiming to monitor the situation of children. The AIHRC also serves as child ombudsperson. The commission claims to have “an extensive monitoring programme which covers different aspects of children’s life”,²⁹⁴ however, few reports seem to have been produced. There is also no clear mandate of what ‘aspects of children’s life’ is to be monitored by the AIHRC.

Despite efforts, coordination and cooperation between stakeholders in Afghanistan remains weak. Issues and responsibilities relating to children’s rights and child protection are spread across ministries and there is a lack of clarity around roles and responsibilities.

Bangladesh

The Ministry of Women and Child Affairs (MoWCA)²⁹⁵ is the central agency for child protection in Bangladesh. MoWCA oversees and arranges the meetings of the inter-ministerial CRC standing committee and functions as an umbrella of child-focused initiatives such as the National Children’s Council, which is responsible for supporting policymaking bodies on children’s rights issues. In 2009 the National Council for Women and Child Development (NCWCD) was introduced, working under MoWCA as an oversight mechanism addressing children’s issues.²⁹⁶ A database on child protection has been established under the Multi Sectorial Programme to encourage coordination among sources and contents of the database.²⁹⁷

Although there are multitudes of bodies and instruments working on children’s rights issues in Bangladesh, there appears to be a lack of clarity in coordination efforts as roles and responsibilities are not sufficiently clarified. Moreover, although the Government coordinates with NGOs, there is a lack of NGO driven projects. Rather, NGOs often operate as extensions of Government policy implementation. Trafficking is at the centre of collaborative work, with little focus on other manifestations of CSEC. SECTT specifically has not been addressed.

Bhutan

The fairly recent establishment of the National Commission for Women and Children (NCWC)²⁹⁸ in Bhutan has aided the coordination efforts on child rights. The mandate of the NCWC focuses on policy development, regulation, reporting and monitoring.²⁹⁹ NCWC has developed a training curriculum on child rights as a joint effort with UNICEF Bhutan.³⁰⁰ However, in general coordination mechanisms within Bhutan are weak, lacking coordination among stakeholders and at the sub-national level.

²⁹² Government of Afghanistan, Ministry of Labor, Social Affairs, Martyrs & Disabled, “History of MOLSAMD”, accessed 10 July 2015, <http://molsamd.gov.af/en/page/2146/2147>.

²⁹³ Save the Children, Stepping Up Child Protection.

²⁹⁴ Ibid., 70. See also AIHRC, “Home”, accessed 10 July 2015, <http://www.aihrc.org.af>.

²⁹⁵ Government of Bangladesh, Ministry of Women and Children Affairs, “Home”, accessed 18 July 2015, <http://www.mowca.gov.bd/>.

²⁹⁶ Save the Children, Stepping Up Child Protection.

²⁹⁷ Ibid.

²⁹⁸ Government of Bhutan, National Commission for Women and Children, “Introduction to NWCW”, accessed 1 August 2015, <http://www.ncwc.gov.bt/en/index#>.

²⁹⁹ Government of Bhutan, Gross National Happiness Commission (2013), Eleventh Five Year Plan Volume I: Main Document (2013-2018), Timphu: GNHC, accessed 30 July 2015, <http://www.gnhc.gov.bt/wp-content/uploads/2011/04/Eleventh-Five-Year-Plan.pdf>.

³⁰⁰ CRIN, “Bhutan: Children’s Rights References in the Universal Periodic Review”, §35, accessed 15 July 2015, <https://www.crin.org/en/library/publications/bhutan-childrens-rights-references-universal-periodic-review-0>.

One main challenge is that Bhutan lacks a central agency in charge of implementing agency for child protection. The National Plan of Action for Child Protection (2012) notes that there is currently no National Child Welfare Committee despite it being an indicative strategy of the Child Care and Protection Act.³⁰¹ As recommended based on Bhutan's second Universal Periodic Review April 2014 "the establishment of an effective organisation within the Government was seen as critical for implementing the child protection programme and coordinating activities between stakeholders".³⁰² This would further allow the NCWC to focus on its mandate.

Bhutan lacks a holistic approach to child protection, which is instead limited to a few sectors. Moreover, the country severely lacks data relating to violence against children in any form including CSEC. There is not data on SECTT.

India

The Ministry of Women and Child Development (MWCD) has the mandate to develop policies, plans and programmes and to coordinate efforts by both the Government of India and NGOs relating to women and child development.³⁰³ The department is there to assist civil society organisations to implement government policies and programmes.

Following the 2006 amendment of the Juvenile Justice (Care and Protection of Children) Act 2000, state governments across India are now required to establish Child Welfare Committees (CWC) in each district. The CWC is the sole committee that deals with matters concerning children in need of care and protection and consists of a chairperson and four other members. One person should be well acquainted with child welfare issues. The CWC decentralise the authority on child protection and has the mandate to deal with and coordinate cases of protection, care, rehabilitation and development of children. A child who is rescued from an exploitative situation such as exploitation of children through prostitution will be taken to the CWC, which is then responsible for conducting an inquiry.

In 2010, the Indian Ministry of Tourism developed a Code of Conduct for Safe and Honourable Tourism in collaboration with UNODC, the Pacific Asia Travel Association (PATA) and Save the Children India.³⁰⁴

The key objectives of The Code are as follows:³⁰⁵

- Encourage tourism activities to be undertaken with respect for basic rights like dignity, safety and freedom from exploitation of both tourists and local residents i.e. people and communities who may be impacted by tourism in some way.
- Aid the prevention of prostitution, sex tourism and forms of sexual exploitations like assaults and molestations in tourism to safeguard the safety of persons, in particular women and children.
- To enhance prevention of activities like forced or involuntary drug use, manipulated and incorrect information, cultural and social intolerance, which could increase vulnerability to crime.

The Code outlines guidelines for the tourism industry and key messages for awareness building and dissemination. The Government of India has introduced that all gatherings by the hospitality and tourism industry must include sessions on the safe and honourable tourism. There is, however, a dearth of information on whether there has been any monitoring and evaluation undertaken for the implementation of this code.

Maldives

The Child and Family Protection Services Section (CFPSS), part of the Department of Gender and Family Protection Services, has the main responsibility for implementing child protection services.³⁰⁶ CFPSS has the mandate to conduct data collection and analysis, to arrange for alternative care and protection for children in need, social work, management of atoll and island level protection services and arrange for multi-sectorial networking and the coordination of training and awareness programmes.³⁰⁷ To facilitate this the Maldives Child Protection Database was established to enable the follow-up cases of child abuse.³⁰⁸ The Maldives has next to no research on CSEC or SECTT.

³⁰¹ CRIN, "Bhutan: Children's Rights References in the Universal Periodic Review", §35, accessed 15 July 2015, <https://www.crin.org/en/library/publications/bhutan-childrens-rights-references-universal-periodic-review-0>.

³⁰² *Ibid.*, §6.

³⁰³ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies.

³⁰⁴ UNODC (2013), Regional Programme for South Asia. Promoting the Rule of Law and Countering Drugs and Crime in South Asia. 2013-2015, Vienna: UNODC, 25, accessed 14 December 2015, https://www.unodc.org/documents/southasia/webstories/RP_South_Asia_FINAL.pdf

³⁰⁵ Government of India, UNODC, PATA and Save the Children India (2010), "Code of Conduct for Safe and Honourable Tourism", 1 July 2010, accessed 3 August 2015, http://www.unodc.org/documents/southasia/News/conduct_final.pdf.

³⁰⁶ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies, 84.

³⁰⁷ UNICEF (2011), "Maldives. Country Programme Document 2011-2015", UN Doc. E/ICEF/2010/P/L. 28, 11 February 2011, accessed 13 July 2015, http://www.unicef.org/about/execboard/files/Maldives_final_approved_CPD_11_Feb_2011.pdf.

³⁰⁸ United Nations General Assembly, United Nations Human Rights Council (2015), "National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21. Maldives", UN Doc. A/HRC/WG.6/22/MDV/1, 17 April 2015, para. 83, accessed 1 August 2015, <http://www.refworld.org/pdfid/5538ec054.pdf>.

Nepal

There are several agencies providing the infrastructure for coordinating efforts against CSEC in Nepal. Via the Ministry of Women, Children and Social Welfare (MoWCSW) Nepal has established a Central Child Welfare Board (CCWB) and District Child Welfare Boards (DCWBs) as a response to the concerns following the 2005 periodic review.³⁰⁹ The boards coordinate activities relating to children, which includes acting as a reporting mechanism for all cases of violence against children and other child rights violations.³¹⁰ The boards also actively raise awareness and encourage community protection groups to report on violence.

The Nepali Government maintains an active and well-established cooperation with NGOs such as the National Network against Girls Trafficking (NNAGT) and Action Against Trafficking and Sexual Exploitation of Children (ATSEC).³¹¹

Child Worker's in Nepal (CWIN) work together with the Forum for IT in Nepal (FIT), the South Asian Partnership International (SAP I), the Computer Association of Nepal (CAN) and the Internet Service Providers Association Nepal (ISPAN) on their Campaign on Protecting Children Online. The project resulted in the Code of Conduct for PCO's and Cyber Cafés.³¹²

Nepal shows several strong initiatives between NGOs with regards to child protection issues relating to SECTT. The Government would benefit from getting more involved with the voluntary and private sectors. There appears to be no comprehensive data unit on issues of neither CSEC nor SECTT. Although there are references to an inter-ministerial committee having been established in 2005 to tackle 'child sex tourism' in an OPSC report,³¹³ no reports could be located to verify the function or effect of this committee.

Pakistan

The National Commission for Child Welfare and Development (NCCWD) of the Ministry of Social Welfare and Special Education coordinates matters of violence against children. NCCWD coordinates between national organisations working on children's rights, and the SAIEVAC secretariat.³¹⁴ The commission works closely with provinces, since provincial levels have the prime responsibility to legislate a response to issues of child protection.

The NCCWD joined together with Pakistan Paediatric Association and Save the Children Sweden to develop a National Policy and Plan of Action against Child Sexual Abuse and Exploitation. A Core Committee on Child Sexual Abuse and Exploitation was created to carry out this task, consisting of experts from leading national NGOs in the field of children's rights and child sexual abuse.³¹⁵ The committee submitted a draft to the NCCWD in 2003.

UNICEF Pakistan and the Wafiqi Mohtasib (Federal Ombudsman) jointly set up Children's Complaints Offices (CCOs). CCOs have designated Investigation Officers that handle child related complaints.³¹⁶

Moreover, federal and provincial governments have established a Child Protection Management Information System (CPMIS), a national monitoring system that works to collect data on child trafficking, alternative care, family environment, juvenile justice, sexual exploitation and violence against children.³¹⁷

Although there are bodies in place for coordinating efforts on CSEC, there is little information available pertaining the outcome of these efforts.

³⁰⁹ CRIN, "Nepal: Children's Rights References in the Universal Periodic Review", accessed 1 August 2015, <https://www.crin.org/en/library/publications/nepal-childrens-rights-references-universal-periodic-review>.

³¹⁰ Government of Nepal, Ministry of Women, Children and Social Welfare, Central Child Welfare Board, "About CCWB", accessed 1 August 2015, http://www.ccwb.gov.np/about_us.

³¹¹ ECPAT, Global Monitoring: Nepal, 17.

³¹² *Ibid.*, 20.

³¹³ NGO Group for the CRC (2012), "State Party Examination of Nepal's Initial OPSC Report", 8, accessed 31 August 2015, <http://www.childrights-connect.org/wp-content/uploads/2013/10/Nepal-OPSC-Report-Amended-60.pdf>.

³¹⁴ Society for the Protection of the Rights of the Child (2013), "2012 Annual Report", Islamabad: SPARC, accessed 31 July 2015, <http://www.sparcpk.org/Publications/2012.pdf>.

³¹⁵ Tufail, Muhammad (2009), Commercial Sexual Exploitation of Children. A Situational Analysis of the Transport Industry of Pakistan, Islamabad: Save the Children Sweden, Pakistan Programme, 17, accessed 6 July 2015, <http://sahil.org/wp-content/uploads/2014/10/CSEC.pdf>.

³¹⁶ CRIN, "Pakistan: Children's Rights in the Universal Periodic Review (second cycle)", §61, accessed 31 July 2015, <https://www.crin.org/en/library/publications/pakistan-childrens-rights-universal-periodic-review-second-cycle>.

³¹⁷ Government of Pakistan, Ministry of Social Welfare & Special Education, National Commission for Child Welfare & Development (2008), "National Child Protection Policy", 21, accessed 27 July 2015, http://www.internationalresourcecentre.org/en_X2/draft_20national_20policy_20oct_2021.pdf.

Sri Lanka

The National Child Protection Authority (NCPA) is the agency responsible for the prevention of child abuse and the protection and treatment of child victims. NCPA further coordinates and monitors actions against all forms of child abuse.³¹⁸ As the main legal entity it advises the government, in coordination with various ministries, local authorities and public and private sectors. It further advises and assists NGOs in coordinating efforts against child abuse, it supports and coordinates research and works with the tourist industry to prevent SECTT.³¹⁹ NCPA maintains the national database on child abuse. Additionally, there is a National CRC Monitoring Committee, and Child Rights Monitoring Committees at different levels (provincial, district, divisional, villages and schools).

The National Anti Trafficking Task Force, launched in 2010, aims to strengthen the coordination among key government stakeholders as well as NGOs and international organisations.³²⁰

Sri Lanka has shown great achievements in tackling the issues concerning CSEC and SECTT.

Together with PEACE and UNICEF, Sri Lanka's Tourist Board launched the Zero Tolerance for Child Sex Tourism campaign in 2006.³²¹ The aim was to raise awareness by targeting tourists, children and youth, families and community leaders, journalists and tourism stakeholders and personnel such as hoteliers.

LEGISLATION TO COMBAT SECTT AND FACTORS AFFECTING APPLICATION OF THE LAW

All South Asian countries have ratified the CRC and thus affirmed their commitment to protecting children's rights. As of 2011, with the ratification from Pakistan, all countries have further ratified the Optional Protocol to the Convention on the Sale of children, Child prostitution and Child Pornography (OPSC). Furthermore, as all countries in the region are members of SAARC, they have ratified the Convention on Preventing and Combatting Trafficking in Women and Children for Prostitution and the Convention on Regional Agreements for the Promotion of Child Welfare in South Asia. By ratifying these protocols and conventions Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka are all

obliged to ensure that their legislative frameworks align with the standards set by these regional and international instruments.

To this extent, all South Asian countries state constitutionally to protect all children from all forms of discrimination and exploitation. SAIEVAC claims one of its key results to be:

*“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 cafes) and travel and tour outlets to prevent sexual abuse and exploitation”.*³²²

Although significant steps have been taken in the right direction, no country as of yet has adopted comprehensive legislation that is fully aligned with the OPSC. None of the countries in South Asia have national legislation that specifically and comprehensively addresses SECTT. The region further lacks substantial extraterritorial jurisdiction. This compromises the capacity of states to address cases of transnational child sex offenders.

All countries in the region have laws that relate to SECTT, but the effectiveness of law enforcement pertaining to SECTT is flawed often due to insufficient specification and lack of adequate definitions in legislation on the sexual exploitation and abuse of children. For legislation on exploitation of children through prostitution, much of the region's policies are focused on women and girls, at times leaving boys vulnerable or even considered offenders rather than victims in cases of sexual abuse and exploitation. There are further issues with legislation on child pornography, with all definitions lacking in effort to comprehensively and sensitively address this complex form of CSEC.

Although South Asia has made impressive efforts in the past few years to address gaps in legislation, there are additional weaknesses found in enforcement mechanisms as well as several factors affecting the application of the law. The high mobility and disperse social fabric of the region makes law implementation and programming immensely difficult.

³¹⁸ Government of Sri Lanka, National Child Protection Authority, “Functions of the National Child Protection Authority”, <http://www.childprotection.gov.lk/about-us/functions-of-the-national-child-protection-authority/>.

³¹⁹ Ibid.

³²⁰ Government of the U.S., Department of Labor (2014), “Sri Lanka: 2013 Findings on the Worst Forms of Child Labor”, Washington D.C. U.S Department of Labor, accessed 27 July 2015, <http://www.dol.gov/ilab/reports/child-labor/findings/2013tda/2013tda.pdf>.

³²¹ UN News Centre, “UN helps Sri Lanka Fight Child Sex Tourism”, 20 June 2006, accessed 3 July 2015, <http://www.un.org/apps/news/story.asp?NewsID=18924&Cr=sri&Cr1=lanka#.VeyHe87P0i4>.

³²² SAIEVAC, “Sexual Abuse and Exploitation”, accessed 2 July 2015, <http://www.saievac.org/sexual-abuse-and-exploitation/>.

Afghanistan

Afghanistan does not have legislation directly addressing SECTT nor extraterritorial agreements for the prosecution of internationals who exploit Afghan children. Only some forms of CSEC are covered in Afghan legislation and there is no unified, comprehensive document.

Although a Child Act, that could serve as a comprehensive legal guide appears to currently being developed, Afghanistan does currently not have a consolidated Children's Act. Laws pertinent to children are instead found in various parts of domestic legislation. To further complicate it, Afghanistan uses several different forms of jurisprudence (state law, customary law and sharia law).

Under the State law, the Penal Code 1976 covers matters of juvenile justice. It further provides legislation and penalties for rape, notably not discriminating against boys.³²³ Provisions in the Penal Code explicitly state for victims to be either male or female. There are also additional penalties for rape of offenders below the age of 18. Notably, the offence of rape is not clearly defined. Other forms of child sexual abuse are not included in the Penal Code, excluding for example homosexual abuse and thus increasing the vulnerability of boys.

The Law Countering Abduction and Human Trafficking was adopted in 2008 and does along with Article 516 of the penal code prohibit some forms of human trafficking.³²⁴ However, the law does not cover trafficking of a child for sexual purposes in the cases when coercion was not involved.³²⁵ There is a severe lack of understanding of the issue of human trafficking in the country, with trafficking often confused with smuggling, something prohibiting efficient law enforcement. According to the Ministry of Defence, five Afghan National Army Soldiers were convicted in 2013 under the trafficking law for crimes regarding bacha baazi, with penalties ranging between one to 10 years' imprisonment.³²⁶ There are problems with victims of trafficking for sexual purposes being treated as offenders due to acts committed such as adultery, prostitution of 'moral crimes'.³²⁷ The 2014 Trafficking in Persons Report highlights the case of two Pakistani girls who had been

trafficked for the purpose of sexual exploitation only to be convicted of moral crimes and imprisoned.³²⁸ Domestic laws on the trafficking of children for sexual purpose need to be urgently reviewed, making it explicitly a form of CSEC.

Pornography is covered in the Press Law 1965 as the prohibition of articles that contravene traditional values and morals,³²⁹ and in the Law on the Campaign Against Abduction and Human Trafficking 2008. The 2008 law defines exploitation as "getting advantage of the victim of crimes of abduction and trafficking in persons through employment, selling, engaging in sexual, criminal activities, provision of pictures and movies that are prejudicial to public morality (pornography), armed conflicts, forced labour or removal his/her organ or body tissues or conducting medical and health examinations and forcing him/her into other illegal activities".³³⁰ Thus, whilst pornography is a crime there is no specific prohibition of child sexual abuse material, failing to acknowledge the exploitative aspect of child abusive images and the definition fails to align with the OPSC.

Additionally, the Civil Code has no unified minimum age set for children. The minimum age for marriage is 18 for boys and 16 for girls whereas the age for employment in non-hazardous work is 15 and the age of criminal responsibility is as low as 12 years old.³³¹ Under Sharia law puberty defines when a child reaches adulthood.

The committee responded to Afghanistan's 2011 periodic review stating that:

"[...] child rights continue to be negatively affected by the application of different sources of law, namely codified, customary and sharia laws, and that legislation contradictory to the Convention remains in force [...] the low implementation of legislation enacted in the field of child rights due mainly to weak enforcement, limited level of awareness of the legal norms promulgated, widespread corruption, and the application by courts of provisions of customary or sharia law which infringe the principles and rights contained in the Convention".³³²

³²³ Government of Afghanistan (1976), "Penal Code", Issue No. 13 (347), accessed 4 July 2015, https://www.unodc.org/tldb/pdf/afghanistan_penal_code.pdf.

³²⁴ U.S. Department of State, TIP Report 2014, 68.

³²⁵ Ibid.

³²⁶ Ibid., 68.

³²⁷ Ibid., 68.

³²⁸ Ibid., 69.

³²⁹ Government of Afghanistan (1965), "Press Law", art.33, accessed 4 July 2015, <http://www.wipo.int/edocs/lexdocs/laws/en/af/af016en.pdf>.

³³⁰ Government of Afghanistan (2008), "Law on the Campaign Against Abduction and Human Trafficking", art.3 sec.3.

³³¹ Frederick, "Sexual Abuse and Exploitation of Boys in South Asia", 75.

³³² CRIN, "Afghanistan: National Laws", 9 April 2013, <https://www.crin.org/en/library/publications/afghanistan-national-laws>.

Bangladesh

Bangladesh does not have legislation directly addressing SECTT. Nor does it have extraterritorial agreements for the prosecution of internationals who exploit Bangladeshi children. The exception is the Extraction Act, which solely applies to Thailand, and punishes offences against Bangladeshi children.³³³ Under section three of the Penal Code,³³⁴ there are some provisions granted to Bangladeshi courts for extraterritorial jurisdiction for offences committed abroad that violated Bangladeshi law. The jurisdiction covers Bangladeshi citizens, or persons or ships registered in Bangladesh.³³⁵

As a response to comments on the country's third and fourth periodic review,³³⁶ Bangladesh adopted a new unified comprehensive act to replace the early Child Act of 1974. The Child Bill 2013, or Shishu Ain 2013, is harmonised with the CRC, referring to the CRC in the preamble. A child is defined accordingly as any human being below the age of 18. The Bill states the penalty for exploitation of a child as:

"If any person entrusted by the Children's Court with custody or care of a child or with the duty of upbringing a child or any other person [...] leads such a child to a dishonest path or prostitution or immoral activity then he shall be deemed to have committed an offence under this Act for which he shall be punishable with imprisonment for up to five years or fine up to one lac taka or both. Any person who enjoys the gain made as a result of exploitation or employment of a child or uses the child for immoral entertainment shall be liable as an abettor of the offence".³³⁷

The sexual exploitation of children is thus still not fully defined, with definitions lacking from the Penal Code and the Suppression of Violence against Women and Children Act as well.³³⁸ The 2012 Prevention and Suppression of Human Trafficking Act (PSHTA) does adequately prohibit and punishes various forms of human trafficking.³³⁹

The Pornography Control Act 2012 has the aim to "prevent depreciation of the social and moral values with special focus on women and children".³⁴⁰ Although the act still refers to the depreciation of social and moral values, it further defines pornography to include "production and dissemination of video documentary, audio-visual materials, graphics, books, periodicals, sculpture, cartoon, leaflet and imaginary statue using uncivil dialogue and picture, body movement, naked dance, etc. which may create sexual appeal"³⁴¹ and prohibits beyond production and dissemination to include marketing, supply, buying and selling all forms of pornographic materials.

Bangladesh has taken immense steps in the past few years to combat sexual abuse and exploitation of children. Yet, issues of implementation and enforcement remain. For example, the 2014 U.S. Trafficking in Persons report states for police and authoritative officials to often be involved in, or benefit from, human trafficking.³⁴² The problem of corruption is widespread in Bangladesh and complicates measures taken to combat CSEC. It is important that stakeholders and law enforcement agencies are sufficiently educated and trained on new definitions and practices included in the new legislation, so that it is translated efficiently into practice.

Bhutan

Bhutan does not have legislation directly addressing SECTT. The high court of Bhutan has extra-territorial jurisdiction for the prosecution of internationals who exploit children in another jurisdiction.

The Penal Code (2004) prohibits various forms of violence and includes the buying or transporting of children for any purpose, the soliciting of the services of a child for sex, pornography and molestation of a child.³⁴³ The Penal Code was further amended in 2011 to provide protection to children in conflict with the law and to include revised penalties for crimes committed against children.³⁴⁴

³³³ Frederick, "Sexual Abuse and Exploitation of Boys in South Asia".

³³⁴ Government of Bangladesh (1860), "The Penal Code 1860", Act No. XLV of 1860, accessed 16 July 2015, http://bdlaws.minlaw.gov.bd/sections_detail.php?id=11§ions_id=1946.

³³⁵ ECPAT, Global Monitoring: Bangladesh, 39.

³³⁶ Government of Bangladesh (2012), "Fifth State Party Periodic Report (Under the convention of the rights of the child)", accessed http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-BGD-5_en.pdf.

³³⁷ Government of Bangladesh (2013), "Shishu Ain 2013", sec.80.

³³⁸ Ali, M Imman (n.d), "Justice for Children in Bangladesh. The Children Act 2013 – Brief Commentary", accessed 6 August 2015, http://www.supremecourt.gov.bd/resources/contents/Children_Act_2013-Brief_Commentary_v4.pdf.

³³⁹ U.S. Department of State, TIP Report 2014.

³⁴⁰ Bangladesh, "Fifth State Party Periodic Report", 16.

³⁴¹ Ibid.

³⁴² U.S. Department of State, TIP Report 2014.

³⁴³ Government of Bhutan (2004), "Civil and Criminal Procedure Code", sec. 160, accessed 2 August 2015, http://oag.gov.bt/wp-content/uploads/2010/05/Penal-Code-of-Bhutan-2004_English-version_.pdf.

³⁴⁴ Government of Bhutan (2011), "The Civil and Criminal Code (Amendment) Act of Bhutan 2011", accessed 2 August 2015, http://oag.gov.bt/wp-content/uploads/2010/05/CCPC_Eng_final.pdf.

Additionally, Bhutan recently adopted two major laws: the Child Care and Protection Act 2011 and the Child Adoption Act of Bhutan 2012.³⁴⁵ A uniformed definition of 'the child' has been included in all legislation in accordance with the CRC and further child-specific sections have been incorporated in the Constitution and the Penal Code.

The Child Care and Protection Act of Bhutan 2011 addresses several forms of CSEC, with child prostitution defined as "a person shall be guilty of child prostitution if a person uses a child in sexual activity for remuneration or any other form of consideration",³⁴⁶ consequently accounting for a broader range of scenarios than 'money for sex'.

The definition of child pornography is similarly broad as it states: "a person shall be guilty of child pornography if the person by any representation, by whatever means, of a child engaged in real or stimulated explicit sexual activities or any representation of the sexual parts of child for primarily sexual purposes".³⁴⁷ Additionally, Article 225 (b) of the Penal Code of Bhutan addresses child sexual abuse material stating "a defendant shall be guilty of the offence of paedophilia if the defendant [...] sells, manufactures, distributes, or otherwise deals in material that contains any depiction of a child engaged in sexual contact", arguably also including computer-facilitated offences to some extent.³⁴⁸

With regards to trafficking of a child that is linked to the purpose of trafficking, "a person shall be guilty of trafficking of a child if a person recruits, transports, transfers, harbours or procures a child by means of threat, use of force, coercion, abduction, fraud, deception, abuse of power, position of vulnerability, transaction involving payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."³⁴⁹

In line with updated legislative mechanisms, Bhutan is training focal officers to combat CSEC. Implementation of the Child Care and Protection has been somewhat slow, with enforcement mechanisms being held back due to a dearth of data on violence against children and CSEC.

India

India does not have legislation directly addressing SECTT. However, the Protection of Children from Sexual Offences Act (POCSO) 2012 has provisions for mandatory reporting requirements for any person who learns of suspected child abuse and child sexual exploitation and specifically " [...] any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities [...] ".³⁵⁰

The 2012 POCSO covers some previous gaps in Indian legislation relating to CSEC and includes both boys and girls, rather referring to 'child' or 'children'. The act's main offences are: penetrative and aggravated penetrative sexual adult, sexual and aggravated sexual assault, sexual harassment, and using a child for pornographic purposes.

Child sexual abuse material has been additionally addressed through the Information and Technology Act (2000), which was amended through the Information Technology (Amendment) Act (2008).³⁵¹ The IT Act provides a comprehensive definition of child sexual abuse material, in line with OPSC requirements. It further includes extraterritorial jurisdiction for offences committed online but outside India's territory. A few areas of the Act are not explicitly criminalised such as possession, virtual images and representation, and grooming. No legislation addresses online grooming specifically, however, the general wording of Section 67B of the IT Act may cover online grooming. While section 67B (c) states: "cultivates, entices or induces children to online relationships with one or more children for sexually explicit acts or in a manner that may offend a reasonable adult", or section 67B (d) that states "facilitates abusing children online".³⁵²

Moreover, the POCSO includes abetment of and attempt to commit offence, thus acknowledging the need to penalise intent, something that may also be used to cover cases of grooming, online and offline.³⁵³ The act further emphasises the role of Child Welfare Committees (CWC), as cases registered under the POCSO Act must be reported to the CWC within 24 hours.³⁵⁴

³⁴⁵ Bhutan, "Eleventh Five Year Plan".

³⁴⁶ Bhutan, Child Care and Protection Act, §222.

³⁴⁷ *Ibid.*, §223.

³⁴⁸ Bhutan, "Civil and Criminal Procedure Code", sec. 160.

³⁴⁹ Bhutan, Child Care and Protection Act, §224.

³⁵⁰ Government of India (2012), "Protection of Children from Sexual Offences Act", No. 32 of 2012, art. 20, accessed 15 December 2015 <http://indiacode.nic.in/amendmentacts2012/The%20Protection%20of%20Children%20From%20Sexual%20Offences%20Act.pdf>

³⁵¹ Government of India, Special Police Unit for Women and Children, "Provision under Information Technology Act, 2008", sec. 67B, accessed 12 August 2015, http://www.dpju.com/index.php?option=com_content&view=article&id=205&Itemid=236.

³⁵² *Ibid.*

³⁵³ India, "Protection of Children from Sexual Offences Act", chap. IV.

³⁵⁴ *Ibid.*, sec.19, §6.

With regards to trafficking of children for sexual exploitation, there is a lack of adequate data for law enforcement due to the low rate of convictions as well as issues related to disaggregation of data under the Immoral Trafficking Prevention Act 1986 (ITPA).³⁵⁵ Section 370 of the Indian Penal Code (IPC) prohibits most forms of trafficking for sexual purposes.³⁵⁶ However, this section does not fulfil CRC requirements, as it does not consider the prostitution of a child as an act of human trafficking if the child is above 16 and there is an absence of coercive means.³⁵⁷ Most forms of trafficking for sexual purposes falls within the ITPA, however, since this act further criminalised offences such as prostitution, it is often used for the purposes of prosecuting victims of sex trafficking, hence the disaggregation on data.

Moreover, the Goa Children's Act 2003 and Rules 2004,³⁵⁸ although only valid in the state, focuses especially on crimes related to tourism, whilst also covering child sexual abuse. The act is consistent with the CRC and even suggests ways in which the wider issues of SECTT can be approached and dealt with.

A problematic aspect is the lack of harmonious definition across legislation of what it means to be a child from 14 to 18 years of age. However, the main limitation in India for dealing with SECTT and CSEC is the lack of efficient implementation, with for example high levels of corruption. Moreover, the country's size with its diverse social fabric make coordination and cooperation across states and communities increasingly complex.

Maldives

The Maldives does not have legislation directly addressing SECTT.

The new Penal Code came into force in July 2015.³⁵⁹ Additionally, the country's Sexual Offences Act of 2014 defines and criminalises sexual abuse and sexual

violence. Prostitution is criminalised in the act as an identifiable offence, which has not previously been the case.

The Child Sexual Abuse (Special Provisions) Act (2009) prohibits child prostitution, and the Special Provisions Act to Deal with Child Sex Abuse Offenders states that "a person commits an offence, if he intentionally causes child prostitution, or involves a child in the creation of pornography, or where he creates pornographic material in which a child's sexual organ is displayed and/or [...] engages a child in prostitution, or participate a child in the production of pornography using force, through control or by restraining the free will of a child".³⁶⁰ A child is defined as under the age of 18. However, a child between the ages of 13 and 18 who is in some way or another involved in a sexual act is considered not to have given consent "unless specified otherwise".³⁶¹

In 2009, the Sex Offender Registration Law was adopted which authorised the establishment of a public sex offender registry website.³⁶²

Although the Maldives have renewed and addressed much of its legislation relating to children's rights and protection in the past few years, important legislation such as the Child Rights, Child Care and Protection Bill (Law No. 9/91) and the Juvenile Justice Bill are both still pending. There are also issues of enforcement. Cases relating to sexual offences are particularly taboo in the Maldives. The new Penal Code has a basis in Sharia law and thus cases of corporal punishment and flogging are still prevalent, as well as accusations under Zina.³⁶³ The high prominent case in 2013 when a minor was sentenced to flogging after having been accused of adultery when reporting a relative for sexual abuse, is something that highlights the stigma attached to sexual offences and sets a precedence if not legally, then socially.

³⁵⁵ Government of India (1986), "The Immoral Trafficking Prevention Act 1986", accessed 4 August 2015, http://www.protectionproject.org/wp-content/uploads/2010/09/India_Acts_1986.pdf.

³⁵⁶ U.S. Department of State, TIP Report 2014, 204.

³⁵⁷ Ibid.

³⁵⁸ State Government of Goa (2004), "The Goa Children's Act, 2003 and Rules, 2004", in Manual of Goa Law Vol.I, accessed 4 August 2015, <http://www.childlineindia.org.in/CP-CR-Downloads/Goa%20children's%20act%20and%20rules.pdf>.

³⁵⁹ Not currently accessible online in English.

³⁶⁰ Government of the Maldives (2012), "Special Provisions Act to Deal with Child Sex Abuse Offenders" (English Translation), Law 12/2009, <http://agoffice.gov.mv/pdf/sublawe/CSAO.pdf>.

³⁶¹ UN High Commissioner for Human Rights (2013), "Special Procedures of the Human Rights Council", UN Doc. OL G/SO 214 (53-24) G/SO 214 (89-15), 26 February 2013, accessed 15 August 2015, https://spdb.ohchr.org/hrdb/23rd/public_-_OL_Maldives_26.02.13_%281.2013%29.pdf.

³⁶² Save the Children, Stepping Up Child Protection.

³⁶³ UNGA, Human Rights Council, "National Report : Maldives".

Nepal

To analyse the legal framework in Nepal is at the moment very challenging due to the interim discussions on the adoption and implementation of the new Constitution³⁶⁴ of the Kingdom of Nepal. Whilst the draft constitution was adopted by the country's constituent assembly on 7 July 2015 and put forward for a two-week consultation period (which has since been extended), there have been (as of September 2015) violent demonstrations and clashes across Nepal, with citizens contesting the new constitution.³⁶⁵

Although the new constitution includes Article 55 (J) 5 to "ensure the best interest of the child will be given primary attention",³⁶⁶ there are a few problems with the new constitution regarding the rights of children. This includes difficulties in acquiring citizenship of descent for children, as the new constitution requires proof that both parents are Nepali citizens.³⁶⁷ This would make children of single parents or refugee parents particularly vulnerable to CSEC, as a lack of citizenship leaves them unable to access many state services. Moreover, the constitution fails to provide a definition of a child, and does thus not comply with the CRC.³⁶⁸ Still, the constitution reviews the civil code, criminal code, civil procedural code, criminal procedural code and the sentencing bill to ensure that child rights are in line with CRC provisions.

There are a few domestic legislations currently addressing the sexual abuse of children such as the Interim Constitution of Nepal 2007, the Country Code of Nepal 1963 (Muluki Ain) and the Children's Act 1992. However, these are not comprehensive, nor comply with the CRC.³⁶⁹ The Children's Act 1992 does not, for example, define immoral acts or professions and prohibits pornography elaborated as: "publication, exhibition or distribution of photographs of personal event or descriptions of a child that tarnish his or her character."³⁷⁰

The draft Children's Act (2012), replacing the Children Act 1992, is allegedly more comprehensive in approaching

children's rights, prohibiting all kinds of violence against children³⁷¹ and enshrining provisions of the OPSC.³⁷² The bill has, as of September 2015, yet to be endorsed by the cabinet and it is thus currently pending.

The Human Trafficking and Transportation (Control) Act 2007 (HTTCA) is the main legislation for trafficking. Whilst the act criminalised forced prostitution, it does not define trafficking in line with the 2000 UN Trafficking In Persons Protocol, but rather does not consider exploitation of children through prostitution as a form of trafficking in the cases where there is no force, fraud or coercion.³⁷³ The legislation primarily focuses on the act of trafficking, and does not consider related situations encountered by children.

Nepal's current legal framework does not comprehensively address CSEC or SECTT. The adoption of the new children's act should be prioritised. Efforts of monitoring and evaluation as well as implementation efficiency and law enforcement are questionable, but difficult to assess due to lack of viable reports.

Pakistan

Pakistan does not have legislation directly addressing SECTT. It does neither have extraterritorial agreements for the prosecution of internationals who exploit Pakistani children. Only some forms of CSEC are covered in Pakistani legislation and there is no unified, comprehensive document.

The Pakistani Penal Code (PPC)³⁷⁴ recognises Child Sexual Abuse only in cases of penetration, and it is therefore not in compliance with CRC regulations. Section 90 of The Code declares that a child below the age of 12 cannot give consent. Homosexual acts and the procurement of a girl below the age of 18 for sexual purposes are both prohibited under section 377.

The Protection of Women (Criminal Law Amendment) Act 2006³⁷⁵ abolishes the Zina, replacing it with sections 375 and 376 from the PPC. Under the previous

³⁶⁴ Government of Nepal (2015), "The Constitution of the Kingdom of Nepal", accessed 2 September 2015, http://himalaya.socanth.cam.ac.uk/collections/rarebooks/downloads/Nepal_1959_Constitution_English.pdf.

³⁶⁵ Sharma, Bhadra and Najar, Nida, "Clashes Over Draft Constitution Kill 5 in Nepal", New York Times, 1 September 2015, accessed 1 September 2015, http://www.nytimes.com/2015/09/02/world/asia/clashes-over-draft-constitution-kill-5-in-nepal.html?_r=0.

³⁶⁶ UNICEF (2015), "Constitution-Making Process in Nepal – A look back of the achievements in 2014-2015", Nepal NCO, August 2015, 13, accessed 2 September 2015, <http://unicef.org.np/uploads/files/918008058949779679-constitution-making-process-final-08052015.pdf>.

³⁶⁷ Amnesty International (2015), "Public Statement. Nepal: Extend Time for Public Consultation on New Constitution Repeal Regressive Aspects of Draft", 22 July 2015, p. 2, <https://www.amnesty.org/en/documents/document/?indexNumber=asa31%2F2138%2F2015&language=en>.

³⁶⁸ Ibid., 3.

³⁶⁹ ECPAT, Global Monitoring: Nepal, 25.

³⁷⁰ Ibid., 25.

³⁷¹ Global Initiative to End All Corporal Punishment of Children (2016), "Corporal Punishment of Children in Nepal", London: GIEACPC, accessed 1 September 2015, <http://www.endcorporalpunishment.org/assets/pdfs/states-reports/Nepal.pdf>.

³⁷² NGO Group for the CRC, "Examination of Nepal's OPSC Report".

³⁷³ U.S. Department of State, TIP Report 2014.

³⁷⁴ Government of Pakistan (1860), "Pakistan Penal Code (Act XLV of 1860)", accessed 17 July 2015, https://www.unodc.org/tldb/pdf/Pakistan/PAK_Crim_Law_Art2.pdf.

³⁷⁵ Government of Pakistan (2006), "Protection of Women (Criminal Laws Amendment Act) 2006", accessed 17 July 2015, <http://www.pakistan.org/pakistan/legislation/2006/wpb.html>.

legislation adultery, or consensual sex between two unmarried people, and rape were under the Offense of Zina (Enforcement of Hudood) Ordinance 1979, and four Muslim adult male witnesses were required as eyewitnesses. Section 375 considers rape as sexual intercourse with a woman without consent, and with or without consent if a girl is below the age of 16.

The Criminal Law (Amendment) Bill 2014³⁷⁶ is an attempt to adopt legislation consistent with the OPSC Protocol. The bill proposes to increase the minimum age for criminal responsibility. Furthermore, the bill proposes the introduction of new sections into the PPC to include exposure to seduction, child pornography, punishment for child pornography, cruelty to child, trafficking of human beings, in particular internal trafficking and child sexual abuse. Child sexual abuse under the proposed section 377 appears to include non-penetrative forms of sexual abuse. The bill is still pending and is awaiting cabinet approval.

In response to recommendations to Pakistan's periodic report in 2011, the Sindh Child Marriage Restraint Act was adopted in 2013 and came into effect in June 2014.³⁷⁷ The act prohibits child marriage and brings the minimum age up to 18 for both boys and girls. The previous Child Marriage Restraint Act 1929 declared the minimum age to be 16 for girls and 18 for boys.

The Prevention and Control of Human Trafficking Ordinance 2002 addresses transnational trafficking offences. The PPC addresses some other aspects of trafficking including the domestic selling of a girl child for prostitution;³⁷⁸ however, trafficking legislation is not exhaustive of all forms of trafficking.³⁷⁹ The proposed Criminal Law (Amendment) Bill 2014 has a section clarifying and penalizing internal human trafficking, including child trafficking.³⁸⁰

The National Commission of Child Welfare and Development (NCCWD) has proposed a draft bill the Juvenile Justice System Act 2015 to the National Assembly. The bill emphasises the diversion and social-reintegration of child offenders and is a step towards more child friendly services and support for child victims.

Apart from inadequate legislation on CSEC and SECTT, and issues of child protection and children's rights in

general, the Government of Pakistan has faced immense issues with law enforcement efforts, with poor to non-existent implementation of laws. Furthermore, there are several reports of corruption on all levels of legislation and enforcement.

Sri Lanka

The Penal Code Amendment Act 2006 included measures to combat SECTT by introducing mandatory reporting requirements for any persons who have "the charge, care, control or possession of any premises being used for commission of an act constituting the abuse of a child".³⁸¹ The Penal Code amendment 1995 added a specific section on sexual exploitation.

The Children and Young Persons (harmful publications) Act 1956³⁸² aims to curb publications harmful to children and young people. Section 286 of the Penal code, amended through the Penal Code Amendment Act 1998 and the Penal Code Amendment Act 2006, punishes "any person [...] who hires, employs, assists, persuades, uses, induces or coerces any child to appear or perform in any obscene or indecent exhibition or show to pose or model for, or to appear in any obscene or indecent photography or film or who sells or distributes, otherwise publishes or has in his or her possession, any such photograph or film (including video recordings)".³⁸³

The 1992 Children's Charter³⁸⁴ is based on the CRC. As a whole, legislation in Sri Lanka appears comprehensive. Even enforcement efforts are widely applied, the main problems coming down to a lack of reporting when it comes to cases of SECTT. In response, Sri Lanka has suggested localizing police efforts, in order to counteract the strong community networks involved in SECTT. In Negombo, the NCPA, a specialised tourist police, has started to work with the community to combat issues in the travel and tourism industry. The NCPA further conducts raids to massage clinics, brothels and at times guesthouses, however, children and offenders are often able to relocate due to the strong and extensive networks linked to SECTT.

Sri Lanka does not have extraterritorial agreements for the prosecution of internationals who exploit Sri Lankan children, however, the national judiciary and police force both cooperate to punish offenders under other countries' extraterritorial legislation.

³⁷⁶ Government of Pakistan (2015), "A Bill to amend the Pakistan Penal Code 1860 and the Code of Criminal Procedure 1898", accessed 17 July 2015, http://www.na.gov.pk/uploads/documents/1393407574_724.pdf.

³⁷⁷ "Sindh Child Marriages Restrain Act comes into effect", Dawn, 12 June 2014, accessed 18 July 2015, <http://www.dawn.com/news/1112097>.

³⁷⁸ Pakistan, Penal Code, sec. 366A.

³⁷⁹ U.S. Department of State, TIP Report 2014.

³⁸⁰ Pakistan, Bill to amend the Penal Code.

³⁸¹ Squire and Wijeratne, Sri Lanka Research Report, 11.

³⁸² Government of Sri Lanka (1956), "The Young Persons (Harmful Publications) Act 1956", Law 48/1956, accessed 11 July 2015, http://www.commonlii.org/lk/legis/num_act/cayppa48o1956525/.

³⁸³ Government of Sri Lanka (1998), "Penal Code (Amendment) Act", No.29 of 1998, sec. 2, http://www.commonlii.org/lk/legis/num_act/pca29o1998213/s2.html.

³⁸⁴ Government of Sri Lanka (1992), "The Charter on the Rights of the Child", accessed 11 July 2015, <http://hrcl.lk/PFF/The%20Charter%20on%20the%20Rights%20of%20the%20Child.pdf>.

'END SECTT' EFFORTS AND PROGRAMMES

The introduction of effective legislation to combat SECTT is of great significance, however, in order to address the issue preventive efforts on all level of society are needed. Effective prevention efforts and initiatives need to address the multi-faceted nature of SECTT in a manner that acknowledges the various environments children in the region face. Whilst there are a lot of child protection and anti-trafficking initiatives in place, there appear to be few programme activities that directly address SECTT. It is challenging to give an overview of programme and policy responses in South Asia. There is a lack of comprehensive assessments or evaluations of projects, on a regional, national and local level. The limited information on monitoring and evaluation outcomes, in the cases where this has taken place, means that the following discussion should be taken to provide an outline of some programmes taking place in the South Asia region and is not necessarily complete.

Collaboration with the Private Sector

ECPAT International has since the early 1990s together with member groups and other collaborative initiatives worked to prevent SECTT in South Asia. Although Sri Lanka has acknowledged SECTT as a problem since the 1980s, other countries in the region, including India and Nepal, have more recently spoken out against the issue. NGOs and civil society have been of essence in bringing the issue of SECTT to the table, with ECPAT affiliates such as Equations leading the way with research. Equations has since 1985 worked in India for non-exploitative tourism through research and analysis, campaigns, advocacy and networking. With children in tourism as one of their explicit themes, Equations aims to influence governments on all levels to incorporate, implement and monitor guidelines for the best interest of the child in the context of tourism. Emphasizing the importance of including and working with all sectors, Equations has organised consultations on the link between child abuse and tourism in Tirupati.³⁸⁵ The consultation included a variety of stakeholders: PASS branch offices in Andhra Pradesh, representatives from the Social Welfare Department, University Students, Transport Department, Health Department, Andhra Pradesh Tourism Development Corporation and NGOs.

The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism ('The Code')³⁸⁶ is an initiative by ECPAT together with the UNWTO and in collaboration, with a multitude of stakeholders, aims to provide an industry-driven response to combat SECTT. The Code, though not a legally binding document, does provide comprehensive guidelines for sustainable and responsible tourism with the specific aim of preventing and combatting SECTT. Anyone in the tourism industry can join The Code, which commits them to train their personnel, establish ethical policy regarding SECTT, introduce clauses in their contracts with suppliers and to create awareness by providing information to travellers and local 'key persons' and report annually on SECTT. The Code has been critiqued for its flexible implementation, with stakeholders being able to sign regardless of whether they will implement all or none of the guidelines. Moreover, upon evaluation of The Code it has been reported that child sex offenders simply adapt and go to less high-end hotels. That does not mean that The Code is not effective, it simply means The Code is not a 'silver bullet' to prevent and combat SECTT.

In South Asia, the Code of Conduct is not highly prevalent, and although some large hotels and stakeholders have signed, such as the Adventure Travel Trade Association (active in Bhutan, India, Nepal and Pakistan), all countries apart from India and Sri Lanka only have one or two signatories present in their local tourism industry.

Similarly, a national initiative in the region is the Code of Conduct for Safe and Honourable Tourism³⁸⁷ created through a joint initiative by the Government of India, Save the Children India, UNODC and the Pacific Asian Travel Association (PATA). Adopted in 2010, it is neither a legally binding instrument, but works as a guideline for the Indian travel and tourism industry to prevent and combat SECTT. The Code is explicit on prohibiting the search for child sexual abuse material, and several hotels in for example Agra have blocked access to pornographic sites after signing The Code. SAIEVAC's work plan includes goals for all SAARC countries to adopt codes of conduct and to align these with national policy as far as possible. Apart from some references to a Pakistani Code of Conduct, next to no information is available on whether Codes have been drafted as of yet.

³⁸⁵ Equations and ECPAT, *Unholy Nexus*, 10-17.

³⁸⁶ The Code, Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, accessed 5 July 2015, http://www.unicef.org/lac/code_of_conduct.pdf.

³⁸⁷ Government of India, UNODC, PATA and Save the Children India, "Code of Conduct".

Additionally, the World Tourism Network on Child Protection³⁸⁸ (formerly the task force for the protection of children in tourism), founded in 1997, provides a platform for stakeholders on a global level to discuss and collaborate on issues of 'child sex tourism'. In 2007, the network decided to broaden its originally narrow mission and now contributes to preventive efforts of all forms of exploitation of children related to the travel and tourism industry including child labour and trafficking.

Advocacy, Enforcement and Responses to SECTT on a Local Level

Investment and commitment by the travel and tourism industry in best practice schemes, training and capacity building, and issues of child protection and poverty alleviation are important mechanisms to combat SECTT. However, as a multidimensional issue, prevention needs to be tackled from multiple angles. There are several initiatives by CSOs and NGOs across South Asia, as well as localised preventive efforts of capacity building and enforcement.

In Bangladesh the Action against Trafficking and Sexual Exploitation of Children (ATSEC),³⁸⁹ another ECPAT affiliate, is a coalition of 15 NGOs that works to facilitate advocacy, awareness and social mobilisation programmes at both local and national levels. The non-profit furthermore supports research initiatives and advices on programmes and policy on strategies against CSEC. ATSEC has counterparts in both India and Nepal.

The Society for the Protection of the Right of the Child (SPARC)³⁹⁰ works in Pakistan to advocate and lobby for efforts of child rights on national as well as regional levels. As part of the organisations lobbying child rights desks have been established across the district of Sinh, an area where children are highly vulnerable to trafficking. Moreover SPARC collaborated with the Pakistan Telecommunications Authority (PTA) to establish and implement the Code of Conduct for Internet Cafés forbidding children under 12 years to use cyber café services and further places a requirement on owners to ensure that children cannot access pornography. As a result of the adoption of The Code by the PTA more than 10,000 websites have been blocked and warnings have been issued to cyber café owners.³⁹¹

The ECPAT affiliate Protecting Environment and Children Everywhere (PEACE) has worked in Sri Lanka since 1991 on preventive measures to target CSEC. PEACE works with a variety of stakeholders to raise awareness but also specific activities such as helping victims in court and monitoring the movement of paedophiles.³⁹² In 2006, PEACE worked together with the Sri Lankan Ministry of Tourism, the UNWTO and a multitude of other stakeholders including airlines and tour operators, for the campaign 'Zero Tolerate of Child Sex Tourism'.

There are a number of campaigns that aim to raise awareness on rights of children in Afghanistan, although none specifically addresses SECTT. In 2012, it was reported that CSOs had mobilised religious leaders to advocate for child rights during Friday Prayers in Kabul.

In 2013, UNICEF India launched the new social media initiative "Time to Sound the Red Siren." The campaign was targeted at encouraging people to speak out against sexual violence against children, particularly focusing on girls.³⁹³

There is very little information on training and capacity building in the region. Sri Lanka has been active in training programmes targeted at SECTT prevention capacity building, most recently a joint programme by the French embassy in Sri Lanka and the National Child Protection Authority.³⁹⁴ In all countries of South Asia training programmes on anti-trafficking and child protection courses for police forces appear to have taken place.

Notably, law enforcement in the region has increased its local presence and response capacities to child protection issues. The Child Welfare Committees (CWC) are the most prominent example, and now act as the final district-level authorities for the care, protection and development and rehabilitation of children.³⁹⁵ Similarly in Nepal, there have been efforts to strengthen local structures, and the District Child Welfare Boards act as a link between the government and the community for prevention of CSEC and protection of children. Additionally, both Bhutan and Nepal report having established specific centres as part of the national police, to encourage and facilitate reporting of crimes against children.

³⁸⁸ UNWTO, "Report of the 30th meeting of the World Tourism Network on Child Protection", 1.

³⁸⁹ ATSEC, "ATSEC Bangladesh Chapter", <http://atsec.tripod.com/atsecbangladeshchapter/id1.html>.

³⁹⁰ SPARC, "2012 Annual Report".

³⁹¹ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies.

³⁹² PEACE, "Welcome to PEACE", <http://www.ecpatsrilanka.org/>.

³⁹³ Pruthi, Priyanka, "It is time to sound the red siren against violence against girls and women in India", UNICEF.org, 26 August 2013, accessed 7 July 2015, http://www.unicef.org/protection/india_70237.html.

³⁹⁴ NCPA, "National Child Protection Authority", <http://www.childprotection.gov.lk/news/>.

³⁹⁵ Government of India (2000), "The Juvenile Justice (Care and Protection of Children) Act", sec. 29, accessed 30 August 2015, <http://www.dpjuu.com/images/stories/law/J.J.pdf>.

Support Services to Victims of SECTT

To holistically address SECTT and other forms of CSEC, adequate support services need to be in place. Strategies need to incorporate both immediate and long-term policies, ranging from immediate medical and psychological care and shelter, to community reintegration and family reunification. South Asia has paid increased attention to support structures for victims of CSEC, and many countries are establishing standards of minimum care for institutions providing alternative care and support.

All of the SAARC countries have a significant number of mechanisms in place that are aimed at providing assistance to child victims of abuse and exploitation. However, the budgets for these projects are often scarce, and there is a limited capacity and coordination between the various mechanisms. The Ministry of Women, Children and Social Work does for example receive one of the smallest budgets of all Nepali ministries.³⁹⁶ In general, support services to CSEC survivors rarely appears to be a policy priority in South Asian countries. Instead, there is seemingly an overreliance on NGOs and CSOs to construct and deliver services,³⁹⁷ something that often results in a multitude of pilot projects rather than holistically targeted programmes.³⁹⁸

As part of the SAIEVAC work-plan 2010-15, SAARC countries have made a commitment to establish child-sensitive reporting and referral mechanisms.³⁹⁹ The goals include mandatory reporting by professionals working with or for children of any violence against children, and emphasise the need for any reporting systems to be well published, accessible and child friendly. Secondly, the plan states that, come 2015, all member countries should have clearly defined procedures for the referral of child victims of violence as well as established mechanisms for inter-agency cooperation.

As part of this plan, although there are no hotlines where offences by travelling child sex offenders can be reported,⁴⁰⁰ Childline helplines are now used in Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka to support child victims. In 2014, SAIEVAC consulted with the South Asian Association of Child Helplines (SAACH) to support SAACH's objective that

“the SAARC Region will have fully institutionalised Uniform Toll Free Helplines and fully operational inter and intra country coordination and cooperation promoting effective interventions in the rescue/rehabilitation of victims...”.⁴⁰¹

In India, the project Childline was developed by the MWCD. The Childline India Foundation (CIF) is now an umbrella organisation coordinating support services and efficient service delivery at various locations. CIF further works to collect data, to identify service needs and constitutes a link between the MWCD and various NGOs. Childline has served as a platform for partnership between MWCD, UNICEF, the Department of Telecommunications, street and community youth and non-profit organisations, as well as academic institutions and the corporate sector. Calls are toll-free and respond to on a 24-hour basis, and a team is on stand-by to assist and attend to a crisis. To date, 10 million calls have been responded to with the assistance of three million children.

Moreover, there are increasing efforts in South Asia to move toward mandatory registration of shelter homes and to develop and enforce Minimum Standards of Care and Protection.⁴⁰² The Indian 2000 Juvenile Justice (Care and Protection of Children) Act is an example of this, where guidelines for childcare institutions and regular monitoring by the government are established. To aid in this the Ministry of Women and Child Development has together with NGOs developed guidelines and tool-kits for the immediate handling of cases.⁴⁰³ Yet, weak enforcement of laws often means that these standards are not always followed. A 2013 study by Children and Women in Social Services and Human Rights (CWISH) in Nepal, showed that only a few child-care homes in Kathmandu met the minimum standards set by the Central Child Welfare Board (CCWB).⁴⁰⁴ According to the 2014 Human Rights Report for Nepal, inspections of homes by the CCWB and DCWBs were carried out infrequently and did not adhere to unregistered homes.⁴⁰⁵

The Child Care and Protection Act of Bhutan (CCPA) adopted in 2011 as recommended by the CRC, outlines the role and responsibility of NGOs when working with vulnerable children. Much is happening in Bhutan, where

³⁹⁶ NGO Group for the CRC, “Examination of Nepal’s OPSC Report”, 5.

³⁹⁷ *Ibid.*, 2.

³⁹⁸ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies, 85.

³⁹⁹ SAIEVAC, “Workplan 2010-2015”, 12.

⁴⁰⁰ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies, 68.

⁴⁰¹ SAIEVAC, “SAIEVAC-SAACH Consultation”.

⁴⁰² Save the Children, Stepping Up Child Protection, 72.

⁴⁰³ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies, 83.

⁴⁰⁴ CWISH Nepal (2014), Annual Report 2014, Kathmandu: CWISH, 10, <http://cwish.org.np/index.php/resources/publications/180/view/57/annual-reports/35/annual-rreport-2014>.

⁴⁰⁵ Government of the U.S., Department of State, Bureau of Democracy, Human Rights and Labor (2014), “Nepal 2014 Human Rights Report”, Washington D.C.: U.S. Department of State, accessed 15 August 2015, <http://www.state.gov/documents/organization/236858.pdf>.

support of child victims has previously been inadequate, and childhood and development centres were built in 2013 in the most remote communities of Bhutan.⁴⁰⁶ It is important that Bhutan continues to extend its child protection structures as its travel and tourism industry is rapidly expanding and new infrastructure being developed in less accessed parts of the country.

Child and Youth Involvement in Combating SECTT

Furthermore, children are starting to play a more active role in the development of acts and programmes that affects their lives. On a regional level, children are part of the SAIEVAC Governing Board, upon selection by other children at a national and regional level. In addition to this, National and Regional Children's Forums provide a platform for South Asian children to come together and discuss issues affecting their lives, providing recommendations to the SAIEVAC Secretariat and board. In this manner, SAIEVAC aims to act as a bridge between children and the UN.⁴⁰⁷

Children and young people in South Asia have, moreover, actively engaged to raise awareness and inform on issues of CSEC. One example is the Youth Partnership Project (YPP) for Child Survivors of CSE in South Asia that works to enhance capacity of local youth to take a lead in combatting CSEC. Launched in 2008 by Sanlaap in India, Maiti Nepal in Nepal and Aparajeyo in Bangladesh, YPP aims to support youth driven projects and train young people to facilitate youth participation in prevention, activism and protection of their rights. Members have participated in several regional conferences and also carried out youth-led surveys on CSEC such as the 2010 "Youth-Led Study on the Vulnerability of Young Girls Working in Restaurants, Bars and Massage Parlours in Kathmandu".⁴⁰⁸

Moreover, in India, the 2012-2015 Bal Bandhu scheme was implemented in areas of civil unrest (Andhra Pradesh, Assam, Bihar, Chhattisgarh and Maharashtra), which are highly conducive environments for CSEC.

Local youth are trained to form Bal Bandhus, groups of volunteers who are active on a local level to raise awareness and mobilise communities to actively engage with children's rights.

In most South Asian countries, children's organisations, such as clubs, committees, forums and parliaments, have grown significantly in the past years (although efforts in Afghanistan and the Maldives are negligible). As of 2014, Nepal boasts 19,454 child clubs and child rights forums according to CWIN.⁴⁰⁹ To aid in this, and to encourage the participation of children, the CCWB prepared a Child Club Strategic Review of Nepal in 2011/12, facilitating the registration process for children's organisations so as to enable support.⁴¹⁰ Children's clubs and organisations are important as they provide spaces for children to interact and take initiatives. Active participation and inclusion of children further provides an often untapped and unacknowledged resource for efficient policy adoption and implementation. There are also several youth parliaments in the region such as the National Youth Parliament in Sri Lanka. The parliament comprises 335 members between the ages of 15 and 26,⁴¹¹ and aims to encourage young people to develop leadership skills and actively engage in politics and contribute to change.⁴¹² On the 2nd of June 2015, 153 students signed the Constitution for Bhutan's first Children's Parliament (BCP).⁴¹³ The parliament will meet biannually, and is an initiative following the 2013 establishment of Democracy Clubs across schools in the country by the Election Commission of Bhutan (ECB).⁴¹⁴

Though there are initiatives for children to participate in the promotion of children's rights, less has been accomplished in meaningfully engaging them in efforts to prevent CSEC and SECTT. For example, not much attention has been paid to ensure that young people who have experienced sexual abuse and exploitation are included in combating efforts.⁴¹⁵ There also appears to be a dearth of initiatives to include children in SECTT specific combative strategies. Additionally, the majority of programmes on child and youth participation are run and

⁴⁰⁶ UNICEF, Hidden in Plain Sight.

⁴⁰⁷ SAIEVAC and SACG (2012), Report. SAIEVAC Children's Consultation on the UN Study on Violence Against Children Follow-up Actions. 26th-28th May 2012, Colombo, Sri Lanka, Kathmandu: SAIEVAC, accessed 1 September 2015, http://srsg.violenceagainstchildren.org/sites/default/files/documents/docs/SAIEVAC_child_consultation_final_report.pdf.

⁴⁰⁸ Maiti Nepal (2010), "Youth-led study on the vulnerability of young girls working in restaurants, bars and massage parlours in Kathmandu", Kathmandu: Maiti Nepal, accessed 16 August 2015, <http://www.ecpat.net/sites/default/files/Youth-Led%20Study%20in%20the%20Vulnerability.pdf>.

⁴⁰⁹ CWIN (2014), "State of Rights of Child in Nepal. Annual Report 2014", Kathmandu: CWIN, accessed 28 August 2015, <http://www.cwin.org.np/media-centre/fact-sheets/41-the-state-of-the-rights-of-the-child-in-nepal-jan-june-2010.html>.

⁴¹⁰ Ibid.

⁴¹¹ Dissanayake, Ridma, "335 Member Sri Lankan National Youth Parliament to be Constructed in Kilinochchi", Dbsjeyara.com, 4 August 2012, accessed 2 September 2015, <http://dbsjeyara.com/dbsj/archives/9104>.

⁴¹² ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies, 90.

⁴¹³ UNiting for Youth Bhutan, "153 Students Sign Bhutan's first Children's Parliament Constitution", accessed 3 September 2015, <http://www.unct.org/bt/youthenvoy/153-students-sign-bhutans-first-childrens-parliament-constitution/>.

⁴¹⁴ Ibid.

⁴¹⁵ ECPAT, CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies.

promoted by NGOs and CSOs and there is a minimal investment of public funds.⁴¹⁶ It would be relevant to acknowledge the meaningful participation of children and youth not only for children themselves, but to enhance efficiency of policy development and implementation.

International Actions to Combat SECTT

Despite efforts on a national and regional level, combating SECTT requires the collaborative effort of the international community. Though adequate national and regional efforts have the potential to address cases of local child sex offenders, the staggering number of international tourist arrivals in parts of South Asia calls for transnational actions. In addition, the complex threat of ICT related cases of SECTT means that children are vulnerable regardless of whether they physically encounter travellers and tourists or not.

Weak legal frameworks greatly increase the vulnerability of children sexual exploitation. Through extraterritorial jurisdiction, an offence committed abroad can be deemed an offence within borders. This allows foreign child sex offenders who sexually exploit children in South Asia to be convicted in their country of origin. One benefit of extraterritorial jurisdiction is that it allows a country a clear basis for arrest. This is important since accounts from Sri Lanka show how national police are nervous of arresting a tourist seen as 'more powerful' due to fears of being accused of an 'unlawful arrest'. Secondly, countries adopting extraterritorial jurisdiction for the sexual exploitation of children, convey the message that people cannot "take a holiday from their own legal systems".⁴¹⁷ In South Asia, as previously discussed, there is an issue with 'exotification', where some tourists feel entitled to adhere to a 'what happens in South Asia, stays in South Asia' mentality. Extraterritorial jurisdiction sends the message that this is, in fact, not the case.

Currently, although a number of countries have some aspect of extraterritorial jurisdiction in place, there are significant gaps in implementation and enforcement. Few cases are prosecuted. Moreover, the legislation is often weak, and it remains difficult to prosecute cases once an offender has returned home. Whilst in the country, several countries in South Asia release sexual offenders on bail meaning that child sex offenders have the opportunity to leave the country.

In 2012 the UK CEOP introduced the International Child Protection Certificate (ICPC).⁴¹⁸ Organisations that work with children in, for example, South Asia, can liaise with staff in the UK to apply for a ICPC of a prospective staff or volunteer, thus accessing the applicant's criminal record history. This would prevent child sex offenders from volunteering, or working, with children in South Asia. The usefulness of this system, although limited applicability since plenty of child sex offenders are not 'known', is still significant. The Canadian man who recently was caught abusing children in Nepal, for example, had a history of child sexual abuse back in Canada.

The sharing of information across borders is essential in combating SECTT. Interpol, a global police force, places a significant focus on fighting the sexual exploitation of children on an international scale, both in cases of offline and online abuse. The Crimes Against Children Team, a sub-division of the Trafficking in Human Beings Directorate, is made up of international teams from a variety of disciplinary backgrounds that especially target CSEC. A key benefit is the encouragement of shared intelligence and learning.

⁴¹⁶ Ibid., 92.

⁴¹⁷ Pimonsaengsuriya, Kritsana (2008), "Extraterritorial Laws. Why They Are Not Really Working and How They Can Be Strengthened", Bangkok: ECPAT, accessed 7 August 2015, http://ecpat-france.fr/centre_ressources/2-etudes_et_rapports/9-Legislation_relative_a_ESEC/4-Extraterritorial_laws_ECPAT-08.pdf.

⁴¹⁸ CEOP-NCA, "Threat Assessment.", 17.

CHAPTER 6

REMAINING CHALLENGES AND KEY RECOMMENDATIONS

The Sexual Exploitation of Children in Travel and Tourism (SECTT) is a complex, multidimensional issue that needs to be addressed in a holistic manner. This is in order to combat SECTT as part of a systematic and organised economic sector, that is a result of an increasingly globalised and integrating world. With both the sex industry and the travel and tourism industry expanding, responses need to come from all levels and include a variety of stakeholders from public and private sector as well as international organisations, NGOs, civil society and children themselves. The complexity and sophistication of SECTT poses a challenge to the creation of policy, project and programme responses. This chapter will outline some key recommendations that have arisen as a result of the extensive research conducted for this report. The following list of recommendations is in no way exhaustive, nor are recommendations presented in a manner of priority.

RECOMMENDATION ONE: INTERNATIONAL AND REGIONAL COORDINATION AND COOPERATION

- **Ratify all relevant international conventions and protocols.**

Countries in South Asia have in the past few years all ratified the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC). However, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children is yet to be signed by Bangladesh, Bhutan, Maldives, Nepal and Pakistan. Sri Lanka ratified the protocol on the 15 June 2015.

- **Clarify and harmonise all SECTT related definitions and terminology.**

In order to achieve effective regional collaboration, South Asian countries need to harmonise its definitions and terminology amongst the SAARC

members. The harmonisation of national laws in accordance with international conventions and protocols is essential to ensure protection for victims in cross-border scenarios such as the sexual exploitation of children. In particular, countries are advised to address legislation regarding the legal definition of a child and the definitions of trafficking, including child trafficking. Additionally, definitions of exploitation of children through prostitution, child pornography, sexual abuse and sexual exploitation are of relevance.

- **Advocate for the inclusion and prioritisation of SECTT within existing regional mechanisms.**

SECTT needs to be highlighted as a separate issue in all work on regional level. As for when it has been included, such as in the work plan of SAIEVAC, it needs to be explicitly outlined and made a priority as a stand-alone issue. Although there are several linkages between SECTT and other forms of CSEC, SECTT as an issue requires specific responses and cannot solely be grouped together with other forms of CSEC when considering policy and programme design.

- **Address issues of monitoring and evaluation.**

Efforts to combat SECTT have not been sufficiently monitored and evaluated in order to assess the efficiency of strategy. Monitoring and evaluation would be of great benefit to enhance understanding of efficient implementation and programming, and could provide a baseline for future work plans and strategies. Although reports are at times produced, these are often generic and lack structured project and policy assessment.

- **Advocate for strengthening international cooperation.**

Continue efforts of working towards incorporating international conventions and protocols into regional policy and work plans.

RECOMMENDATION TWO: STRENGTHEN LEGAL FRAMEWORKS AND LAW ENFORCEMENT

- **Advocate for adoption, revision and implementation of SECTT in national legislation.**

It is of primary importance to clearly name and define SECTT in relevant national legislation. Due to the complexity of the phenomenon in terms of who constitutes a tourist/traveller and what is meant by and constitutes sexual exploitation, it is of essence that definitions are detailed and descriptive. In legislation relating to violence against children it is advised that SECTT is written out as a separate offence, in a manner similar to exploitation of children through prostitution or sexual abuse. For example, prosecution of sexual exploitation as a bailable offence can arguably have more repercussions for SECTT related prosecutions. Since the offender can leave the country after release on bail, prosecution becomes solely dependent on extraterritorial jurisdiction. Moreover, travelling with intent of sexual abuse/exploitation of a child, and the attempt to do so, should be part of comprehensive legislation on SECTT.

- **Assure that all national laws fully comply with international standards.**

The full compliance and proper harmonisation of national legislation with all relevant international standards will enhance the efficiency of the protection for children from, and prosecution of offenders of, SECTT.

- **Amend legislation to ensure the equal protection of boys and girls.**

Continue efforts, and expedite the process, of ensuring equal right in front of the law of all children. Amend definitions relating to trafficking of women and girls, rape, exploitation of children through prostitution, sexual abuse and exploitation and violence against girls, so as to include the protection of boys.

- **Advocate for legal recognition and protection of children as victims and witnesses.**

Ensure that all relevant legislation recognises and protects children who are victims of sexual exploitation in travel and tourism as victims and witnesses. Consent is not to be debatable in cases of SECTT. In Bhutan where consent is not defined, it needs to be explicitly incorporated that a child shall not be considered a consenting participant in any SECTT related offences.

- **Advocate for adoption, revision and implementation of extraterritorial legislation.**

Tourist receiving and tourist sending countries need to have sufficient legislation and enforcement mechanisms to effectively combat SECTT. South Asian countries should aim to harmonise external jurisdiction with OPSC requirements and should further advocate for other countries outside the region to do the same.

- **Address capacity of law enforcement agencies to appropriately respond to SECTT.**

Regardless of the strength or weaknesses of national legislation, all South Asian countries face challenges of implementation. Measures need to be put into place for the provision of training and capacity building of all relevant stakeholders part of implementing proposed policy.

- **Address mechanisms for enhanced law enforcement cooperation.**

With SECTT transcending borders both through travelling offenders, the trafficking of children for SECTT and migration of children due to employment opportunities, law enforcement both within and between countries in South Asia need to work together. Collaborative mechanisms such as information and intelligence sharing could greatly enhance the enforcement of SECTT.

- **Prioritise the participation of children and victims of SECTT in the reviewing and development of laws and frameworks.**

Children's views and experiences is a key source of information to ensure targeted policy and to comprehensively address issues of SECTT.

RECOMMENDATION THREE: PRIORITISE RESEARCH ACTIVITIES TO FACILITATE THE EFFICIENT IMPLEMENTATION OF POLICY, PROJECT AND PROGRAMMES ON A REGIONAL, NATIONAL AND LOCAL LEVEL

- **Advocate for the adoption of enhanced research methodologies.**

It is exceptionally difficult to gather reliable data on SECTT, and the evidence available is very limited. Collecting reliable data is challenging due to the underground nature of SECTT, the social stigma and taboo of the issue, the underreporting, and the difficulty in collecting evidence. Existing research is

often based on small samples. Qualitative research is rarely carried out appropriately but is confused with collecting 'case studies', which are thereafter used to generalise data. Conceptual clarity and consistent definitions are of essence in conducting any study on SECTT. Strong and reliable data depend on thought-through research methodologies that make use of appropriate sampling procedures and integrate questions as part of a comprehensive research design.

- **Establish/Develop protocols for data collection on national and local levels.**

It is crucial to enhance the quantity and quality of data on SECTT. In order to ensure valid, rigorous and ethical data collection, there needs to be a baseline for research methodologies. State-based and national protocols will help assure a certain standard of data, and allow for more reliable evidence to inform policy and programme.

- **Enhance efforts of monitoring and evaluation.**

Monitoring and evaluation are often referred to in programme reports but rarely appear to be carried out comprehensively. Limitations to time and resources often imposed by donors or the need for 'quick results', means that programme design and planning often is inadequate for comprehensive monitoring and evaluation to be of use. Monitoring is responded to as submitting periodic reports and updates, however, it should be used to adjust programmes based on observations and results rather than carrying on with an inefficient response. Evaluations should be used to investigate the effectiveness of a programme to achieve what the project design set out to do. Adequate monitoring and evaluation efforts will enhance the quality of programmes addressing SECTT. It will also aid in decisions of whether or not to replicate projects in other parts of the region.

- **Prioritise the funding and integration of research into programme work.**

To comprehensively address SECTT, programmes need to be designed and implemented with research components such as evaluations and monitoring already built in. To do so effectively, adequate funding, incorporated into the programme design from the beginning, is essential.

- **Support and encourage capacity building of NGOs on research methodologies.**

NGOs are often in the best position to collect data on SECTT. By supporting the capacity building of their

research efforts, higher quality of data can be ensured, facilitating policy decisions.

- **Promote collaborative research efforts between professional researchers and NGO research teams.**

Independent researchers are in a better position to objectively monitor and evaluate programmes. The collaboration of professional researchers and NGO research teams can aid in gathering strong data to comprehensively address SECTT.

- **Develop evidence-based research.**

Currently there is a dearth of information on SECTT from South Asia. As effectiveness of strategies highly depends on existing evidence, more in-depth research needs to be conducted.

Suggested Areas of Research:

- National quantitative studies on SECTT.
 - State-level quantitative studies on SECTT.
 - Qualitative studies of SECTT (including but not limited to demand and patterns by local and foreign offenders, boys and sexual exploitation, 'voluntourism', the entertainment industry, temporary marriages, child offenders).
 - Qualitative studies of migrating children.
 - Studies examining linkages between family unity and SECTT.
 - Studies examining linkages between the labour and living conditions of boys and SECTT.
 - Studies on children's views of SECTT.
 - Studies on children's perceptions of barriers to reporting.
- **Prioritise research on the demand for children.**

Existing research focuses more on the reasons why children end up in sexual exploitation. It is important to pay attention to the demand, especially since the rapidly changing environment in South Asia shows a diversification in types of offenders. Gender disaggregated data would further be essential to more fully understand demand.
 - **Promote development of targeted education campaigns.**

Awareness campaigns should be designed in order to inform children, families, schools, communities and the wider public of the vulnerability of children. Campaigns should involve deceptive aspects of SECTT, such as grooming.

RECOMMENDATION FOUR: DEVELOPING NATIONAL PLANS OF ACTION AND ENHANCING POLICY DEVELOPMENT TO ADDRESS SECTT

- **Incorporate SECTT into current and future NPAs.**

Although much of existing NPAs can be applied to SECTT, the complex interplay of a variety of stakeholders in SECTT means it would be beneficial to incorporate SECTT as a distinct specific themes in NPAs.

- **Devise strategies to address emerging trends**

Enhanced understanding of emerging trends through research will facilitate stronger responses. It will also ensure that SECTT is approached holistically, and for policy and programme to respond appropriately to each trend. The magnitude of responding to such a multidimensional phenomenon can lead to SECTT combatting efforts being too broad or unfocused. To address SECTT, stakeholders at each level, depending on the form of SECTT, need to be identified and responses targeted in a strategic manner that addresses issues of immediate, intermediate and systematic nature. If responses are not strategically planned and targeted, there is a risk that initiatives get swallowed up by the complexity of the issue.

- **Ensure that capacity building in implementing and enforcing strategies of the NPA and other legislation is made available for stakeholders.**

In order for strategic responses to be efficient, legislation, NPAs and regional initiatives need to translate into implemented responses on each level in society. To ensure this, the capacity building of stakeholders is vital.

- **Advocate for strengthening coordination between stakeholders.**

Better coordination of key stakeholders would enable more comprehensive responses to SECTT. Programme implementation is often constrained due to insufficient collaboration and cooperation between Governments, NGOs, service providers and the corporate sector.

- **Develop mechanisms to ensure child safe organisations.**

Efforts by countries such as Bhutan, India and Nepal to set up standards of minimal care for institutions providing care to children in need, should be adopted

by other South Asian countries. The implementation of strict monitoring and evaluation schemes to follow up on these standards, would further encourage child safe organisations.

- **Promote and establish/develop effective reporting mechanisms.**

Reporting mechanisms should be in place for children and others to report cases of suspected, occurring and past occurrence of SECTT. Reporting mechanisms need to be both child and gender sensitive.

- **Establish comprehensive systematic mechanisms for reintegrating victims of SECTT.**

Recovery processes need to be careful so as to respond to children's needs as agents rather than victims. In this manner, children need to be active participants of the design of support services, and further need to be supported and empowered to actively approach their own reintegration.

- **Appoint a national rapporteur on trafficking.**

As of September 2015, Nepal is the only country that has appointed a national rapporteur on trafficking.

- **Prioritise the participation of children and victims of SECTT in the design and implementation of NPAs.**

Children's views and experiences are just starting to gain awareness as a key source of information for policy development. Including children in the design and implementation of a NPA on SECTT will help target key issues or vulnerabilities and motivations.

RECOMMENDATION FIVE: ADVOCATE TO STRENGTHEN COLLABORATION WITH THE PRIVATE SECTOR

- **Advocate for strengthening coordination between stakeholders.**

There is a lack of private sector involvement in addressing SECTT in South Asia. Prevention and combatting efforts are based on multitasking by a variety of stakeholders in the travel and tourism industry and as such cannot be tackled without extensive coordination and cooperation. The collaboration of the private sector with stakeholders from government tourism, NGOs and others is vital to ensure the effective implementation and monitoring of tools such as the Code of Conduct.

- **Promote the Code of Conduct for Safe and Honourable Tourism.**

The Code of Conduct for Safe and Honourable Tourism has thus far only been adopted by India and Pakistan. All South Asian countries should aim to adopt a code and incorporate its guidelines into domestic policy on travel and tourism. Governments should encourage stakeholders in the travel and tourism agency to adopt The Code.

- **Prioritise training and capacity building.**

Tourism professionals are a critical resource in efforts to combat SECTT. With tourism professionals directly interacting with tourists and children, they could be prominent in identifying child sex offenders and vulnerable children. The guidelines of the Code of Conduct for Safe and Honourable Tourism need to be supplemented by training and capacity building. Whilst both India and Sri Lanka have introduced mandatory reporting mechanisms, these are only efficient in combination with targeted training and capacity building of professionals and others who are likely to be in a position able to report.

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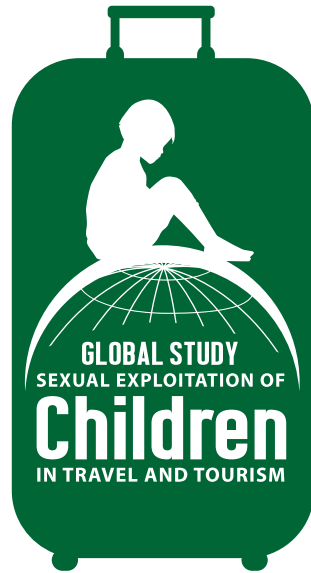
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**The Global Study was made possible thanks to financial support
from the Ministry of Foreign Affairs of the Netherlands
through Defence for Children-ECPAT Netherlands**



Ministry of Foreign Affairs of the
Netherlands

