

South Asia Strategy against

commercial
sexual
exploitation
and sexual
abuse of
children



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

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SOUTH ASIA STRATEGY **against Commercial Sexual Exploitation of Children** **and Child Sexual Abuse**

**Adopted at the South Asia Consultation for the 2nd World Congress against
Commercial Sexual Exploitation of Children
Dhaka, 4-6 November 2001**

The Dhaka Consultation was held with the purpose of developing a Regional Strategy to be presented at the Second World Congress against Commercial Sexual Exploitation of Children to be held in Yokohama, Japan, 17-20 December, 2001. Over 140 participants representing the Governments of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, including 25 children and young adults, and representatives of international agencies and international and national non-governmental organisations participated in the Consultation. This Strategy is an expression, of those gathered, of their commitment, and a call for action in South Asia to combat commercial sexual exploitation of children (CSEC) and child sexual abuse (CSA).

We, the participants, having assessed the situation, note that

- ◆ In South Asia, CSEC in the form of child prostitution, trafficking in girls and boys for sexual purposes, sex tourism, and child pornography are some of the prevalent forms of child abuse. Various forms of child sexual abuse (CSA), which are of a non-commercial nature, also exist. Deep rooted secrecy and denial and a pervasive silence make issues of sexual exploitation extremely complex. Data on the magnitude and extent of these abuses is inadequate but available figures suggest that the problem is widespread.
- ◆ Most children who are sexually abused are boys and girls between 13 and 18 years and the average age seems to be falling. Boys and girls of the underprivileged and marginalised, religious and ethnic minorities or caste groups, those with disabilities, in institutional care, children in work places, migrant children, bonded child labourers are particularly vulnerable to sexual exploitation. Limited access to reproductive health services, life skills and education, also increase the vulnerability of adolescents, in particular.
- ◆ With increasing rates of HIV infection in the region, sexual abuse of children places them at increased risk of sexually transmitted infections such as HIV/AIDS.
- ◆ CSEC and CSA have serious physical and mental health and social consequences on the child victims, which affects them in the short, medium and long-term.
- ◆ Child sexual abuse may come from within or outside the family. Often the abuse is perpetrated by someone familiar to and trusted by the child. Abusers are usually men, but are sometimes boys and can also be women. CSEC has many other actors outside the home involved but there can also be complicity or active promotion from the family, such as through selling children for prostitution.
- ◆ Poverty, globalisation, social and gender discrimination, and weak legislative and judicial implementation are among the important factors for CSEC in South Asia. Low rates of birth registration resulting in a loss of an official identity constrain actions against commercial sexual exploitation.
- ◆ Children have rights to participate in their own protection. There are, however, limited or no forums for listening to children and giving them opportunities to express their views and opinions on decisions and actions that affect them.

We the participants, recognising the situation, note that:

- ◆ While poverty is an underlying cause for CSEC in South Asia, which interacts with the making of profit from the circumstances of the poor, it cannot be an excuse for it, and actions can be taken to combat CSEC even in such situations.
- ◆ Reinforcement of positive cultural, religious and moral values and practices is needed, which protect and promote the rights and the dignity of both girls and boys, including building partnerships with men and boys to confront the root causes of gender inequality, violence and abuse.
- ◆ While child sexual abuse is not a theme for the 2nd World Congress, in South Asia it is crucial to address it because of its magnitude, the serious violation of children's rights, and implication for CSEC.
- ◆ Trafficking in girls and boys for commercial sexual exploitation is a widely recognised abuse in South Asia. While ensuring that the right to migration is not hindered, efforts are being promoted to combat it, such as through the SAARC Convention on Trafficking. These mechanisms need regular review and revision to ensure that they are meeting the challenge.
- ◆ Girls and boys in street-based prostitution and girls and boys living in brothels who are either victims of commercial sexual exploitation or children of sex workers carry all the rights of children. They require specific rights based and child friendly actions to counter the specific stigmatisation faced by them.
- ◆ Child pornography is both a crime in itself and a picture providing evidence of further crimes against children. Actions to combat it require a uniform and universal definition, reflected in legislation, establishment of specialised 'cyber watchdogs', training in surveillance process, and access to information on users of internet for investigative purposes.
- ◆ Profile of sexual abusers reflects a number of factors such as attitudes towards sexuality, gender, power, masculinity, and misconceptions about sexual health. Sex abusers are also found to operate with impunity in situations of complex emergencies such as war, internal conflict, natural and man-made disasters, rapid change and social displacement, through the internet, and in situations where men are working away from their home. Strong actions need to be taken against the sex perpetrators while taking actions to support children who are exploited.
- ◆ Legal reform and law enforcement is essential for combating the demand for CSEC and CSA, which often involve many perpetrators. While laws exist, many violators are able to avoid them and escape punishment. The gender and child insensitive legal procedures, which are often lengthy and costly, impede timely and effective actions.

We, the participants, state the following understanding and commitments:

- ◆ **We firmly agree that all actions should be guided by the CRC principles** of non-discrimination, the best interests of the child, the child's right to survival and development, and respect for the views of the child.
- ◆ **We reaffirm our commitment to the Stockholm Agenda for Action** adopted at the First World Congress against Commercial Sexual Exploitation of Children in 1996. We acknowledge that while several positive steps have been taken in the region since Stockholm to address the issue, the gravity of the problem of CSEC in South Asia suggests that much remains to be done to fulfil the Stockholm commitments.
- ◆ **We recognise that commercial sexual exploitation of children and child sexual abuse goes against those positive societal values**, which uphold and promote the rights and dignity of children. CSEC and CSA is a threat to these values and requires urgent action. We resolve to uphold and build on the rich cultural diversity and values that exist in our countries.
- ◆ **We commit ourselves to applying zero tolerance** against commercial sexual exploitation of children and child sexual abuse through concerted efforts at all levels - locally, nationally and regionally.

We, the participants, agree on the following set of strategies, which we endorse and commit to support in their implementation:

Protection Measures

National Plans of Action (NPAs)

Over the next two years, all the countries of South Asia should have developed NPAs, where these are not already in place, and implement them. These plans should, through a consultative process, involving governments and civil society at all levels, including children as active participants, present clear timeframes for actions and define effective monitoring mechanisms. They should be revised on a timely basis in light of lessons learned in implementation.

Enacting Laws and Ensuring their Implementation

Appropriate and adequate laws and their effective implementation in combating CSEC and CSA are fundamentally important. Specific actions should be undertaken with respect to:

- ◆ **Recognising that all girls and boys under 18 should be treated as children**, with special rights as enshrined in the Convention on the Rights of the Child (CRC). All South Asian countries have ratified the CRC and should ensure that the age of protection against CSEC and CSA should be applied as defined in the CRC.
- ◆ **Development of an effective and adequate legal framework**, in line with relevant international instruments such as CRC, CEDAW and the United Nations Convention Against Transnational Organised Crime and its protocols on smuggling of migrants and trafficking in women and children, including revising and strengthening the existing legal framework and enforcement measures in South Asia to protect children, both girls and boys, in a comprehensive manner so that it yields results, specially by:
 - Ensuring that legal procedures are rights based and child friendly, kept separate from those for adults, gender-sensitive, and provide effective trauma counselling and care and protection in the best interests of the child;
 - Ensuring that all births and marriages are registered;
 - Working in collaboration with other governments towards the prosecution of foreign perpetrators in the country of the crime and in their country of origin;
 - Providing appropriate child rights training of lawyers, judges, police and other law enforcement officials and develop appropriate guidelines and tools;
 - Ensuring that the legal framework does not penalise child victims as criminals and treats them humanely;
 - Ensuring the implementation of a monitoring and accountable process both at the national and international level; and
 - Simplifying the legal processes and procedures.
- ◆ **Urging countries of the region to sign and ratify** the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and those countries which are members of ILO to sign the ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

Preventive Measures

To avoid the harmful effects of CSEC and CSA, short, medium and long-term prevention strategies are essential, including:

- ◆ **Maximising opportunities for early child development and free and compulsory quality primary education, and second chance learning** as a means of improving children's status, especially girls', reducing gender discrimination, and empowering them.

- ◆ **Support gender-sensitive mass media campaigns** to raise awareness about children's rights, in general, and CSEC and CSA in particular. Consideration should be given to develop a code of conduct for public portrayal of children in the media.
- ◆ **Build economic safety nets and invest in community-based initiatives** to strengthen economic security of poor and marginalised families to offer viable alternative sources of sustainable livelihoods, especially for women headed households through self-help groups ensuring empowerment and self-reliance.
- ◆ **Policy advocacy for local governance structures to mainstream child protection** measures for it to become the responsibility of and a core part of decentralised governance mechanisms. Support should be provided for the establishment and functioning of community-based child protection committees.

Recovery and Reintegration

Support the victims of CSEC and CSA by actions, such as:

- ◆ **Recognising that every child, regardless of origin, within our borders** enjoys rights under the CRC. Through a process of bilateral, regional, sub-regional and multilateral consultation and co-ordination those children who have come from other countries should be assisted for recovery and reintegration to their place of origin. This effort should be supported through adopting simple procedures, a humane approach, minimum of bureaucracy and more direct channels of communication between the concerned governments and I/NGOs.
- ◆ **Create and strengthen community support services** and the provision of appropriate and quality family counselling, the provision of equitable and non-discriminatory health services for children who are victims of trafficking whose legal status is dubious, addressing physical and mental health, create safe spaces, build social accountability and provide long-term support for girl and boy victims.

Collaboration, Co-ordination and Capacity Building

Work towards greater collaboration and co-ordination by:

- ◆ **Following-up on the Stockholm Agenda for Action and Yokohama Commitments** and supporting countries who did not attend the First World Congress to adopt these recommendations.
- ◆ **Establishing regional and national focal points** to support follow-up processes after the Second World Congress and implement mechanisms for monitoring and accountability.
- ◆ **Institutionalising a process for regional actions** through annual consultations involving governments, I/NGOs, international agencies, judicial system, and children's organisations for examining progress made towards the commitments, sharing good practices and establishing mechanisms to address bilateral and multilateral issues, especially the SAARC Convention on Trafficking.
- ◆ **Establishing national and regional databases**, building knowledge centres on sexual exploitation and abuse and develop qualitative and quantitative indicators. Support should be provided for the design of research methodologies and the implementation of studies and action research to enable in depth assessment and analysis for improved actions and influencing policies.
- ◆ **Advocating for improved national birth registration** mechanisms to ensure identity and legitimate status of girls and boys.
- ◆ **Motivating the private sector** in particular the computer industry and internet services and the tourism industry for active partnership in implementing protection measures and regulating them, if necessary.
- ◆ **Building linkages between international and national agencies**, including academic institutions, I/NGOs, and media (print, electronic and on-line) for effective partnerships and convergent actions.
- ◆ **Building the capacity of government functionaries** at all levels and other partners for effective implementation of National Plans of Action.

Creating Partnerships with Children and Young Adults

Include children and young adults in a partnership by:

- ◆ **Enabling Inclusion:** Enable the inclusion of children and young adults in existing regional, national and local networks, task forces and community level processes. Include children and young adults as equal partners in research, designing of policies, programmes and projects against commercial sexual exploitation of children and child sexual abuse. Develop age specific interventions. Support children to form networks for interacting among themselves and with adults. Children should be given opportunities to express their views and concerns in their own words through the media – print and television – and in other relevant public forums.
- ◆ **Enhancing Capacity:** Enhance capacities of children and adults by learning from children’s experiences. Enhance children’s and adults’ capacities to address commercial sexual exploitation of children and child sexual abuse through raising their awareness at community level regarding child rights. Provide children with the freedom and space necessary to express their views and opinions and advocate them together with other adult and child activists.
- ◆ **Sensitising Adults:** Children and adults together encourage and educate adults at local, national and regional levels about children’s rights and their capabilities to participate in decisions that affect their lives. Support children to develop strategies and initiate follow-up actions with children and adults in communities
- ◆ **Accessing Information:** Inform children about sex exploitation and abuse, for example, by preparing child friendly versions of documents and materials related to CSEC and CSA for community level dissemination and build greater knowledge and awareness among children through inclusion of sex education in school curricula.

Beyond commitments and identifying strategies, achieving results in combating CSEC will require additional investment of resources – financial, human and organisational. Given the urgency of the task and the imperative of not allowing a single child, girl or boy to suffer from CSEC, we agree to do our utmost to invest in children by mobilising the required resources to meet the challenge. Towards this goal, and in accordance with the Kathmandu Understanding of May 2001, we call upon governments to set targets and allocate specific additional resources, beyond those allocated to basic social services and other social welfare programmes, to combat CSEC and CSA. We also call upon our international development partners to help in mobilising resources required for effective actions through enhanced financial assistance.



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