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# SOUTH ASIA IN ACTION: PREVENTING AND RESPONDING TO CHILD TRAFFICKING SUMMARY REPORT

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**Innocenti Insight**

**SOUTH ASIA IN ACTION: PREVENTING AND  
RESPONDING TO CHILD TRAFFICKING  
SUMMARY REPORT**

**UNICEF  
Innocenti Research Centre**

Front cover photo:  
©UNICEF/HQ03-0292/Asad Zaidi  
This child is not a victim of trafficking.

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None of the photographs used in this publication are of children or adolescents who are known to have been trafficked. Rather, many of the photos selected depict the vulnerability of children and adolescents, some of the root causes of trafficking, and the various types of exploitative purposes for which children are trafficked. Other photos show more positive and concrete developments with regards to the protection of children, for example, the paralegal committees in Nepal (*page 22*), and various national plans of action for children (*pages 14-15*).

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# CONTENTS

<b>INTRODUCTION</b> .....	<b>1</b>
<b>KEY FINDINGS</b> .....	<b>2</b>
<b>1 TRAFFICKING PATTERNS IN SOUTH ASIA</b> .....	<b>4</b>
<b>Data collection</b> .....	<b>5</b>
<b>Links between child trafficking and other protection concerns</b> .....	<b>5</b>
<i>Box 1.1 Definitions of countries of origin, destination and transit, and internal trafficking</i> .....	6
<b>2 LEGAL FRAMEWORKS</b> .....	<b>8</b>
<b>International and regional standards</b> .....	<b>8</b>
<b>National legislation</b> .....	<b>11</b>
<i>Table 2.1 Status of ratification of instruments relevant to child trafficking by states in South Asia</i> .....	10
<i>Box 2.1 Legislative and judicial developments</i> .....	12
<i>Box 2.2 Trafficking as an emerging issue</i> .....	12
<b>3 POLICY RESPONSES</b> .....	<b>14</b>
<b>National plans of action</b> .....	<b>14</b>
<b>National bodies and leading institutions</b> .....	<b>15</b>
<b>Civil society initiatives and cooperation among stakeholders</b> .....	<b>17</b>
<b>Community mobilization</b> .....	<b>18</b>
<b>Bilateral and regional cooperation</b> .....	<b>19</b>
<i>Box 3.1 National policy developments</i> .....	16
<i>Box 3.2 Multi-stakeholder cooperation and child participation</i> .....	17
<i>Box 3.3 Bilateral cooperation for child protection</i> .....	18
<b>4 PREVAILING CONCEPTS AND APPROACHES</b> .....	<b>20</b>
<b>Prevention</b> .....	<b>22</b>
<b>Protection</b> .....	<b>23</b>
<b>Empowerment</b> .....	<b>25</b>
<i>Box 4.1 Rights-based programming at community level</i> .....	23
<i>Box 4.2 Child protection in the process of rehabilitation</i> .....	24
<i>Box 4.3 Child participation in anti-trafficking initiatives</i> .....	25
<b>5 RECOMMENDATIONS</b> .....	<b>26</b>
Law and policy .....	27
National and regional child protection systems .....	28
Programming .....	30
<b>NOTES</b> .....	<b>32</b>

# INTRODUCTION

This UNICEF Innocenti Research Centre (IRC) publication *South Asia in Action: Preventing and responding to child trafficking: Summary report*, presents the main findings and recommendations from IRC's research on child trafficking in South Asia. It provides a synopsis of two UNICEF IRC publications: *South Asia in Action: Preventing and responding to child trafficking: Analysis of anti-trafficking initiatives in Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka*, and *South Asia in Action: Preventing and responding to child trafficking: Child rights-based programme practices*.

The first title presents a regional analysis of anti-trafficking initiatives in South Asia relevant to children. It assesses national legal and policy frameworks of implementation and provides a list of recommended actions for strengthening a rights-based approach to child trafficking. The second title complements the longer analysis report by presenting regional examples of rights-based programme practices and trends.

The reports on child trafficking in South Asia form part of broader UNICEF IRC research on the implementation of international standards, and on child trafficking

specifically. It follows a sequence of studies on child trafficking in Africa and Europe. A concurrent IRC study on preventing exploitation of children in travel and tourism is underway.

This summary report presents the findings of the South Asia research in five parts: (1) trafficking patterns in the South Asian countries, also addressing the challenges of data collection; (2) a regional analysis of legal frameworks relevant in addressing child trafficking; (3) a regional analysis of policy responses and implementation, including civil society initiatives, multi-stakeholder cooperation and community mobilization; (4) prevailing conceptual approaches that influence anti-trafficking initiatives in the region, and conclusions from a child rights-based perspective on prevention, protection and empowerment; and, lastly, (5) recommendations. Throughout the report, experiences from the region on law and policy development, community mobilization, child participation, and the provision of child-friendly services are highlighted in text boxes.



©Drawing courtesy Child Brigade, Bangladesh.

# KEY FINDINGS

## Positive developments

- Many promising initiatives have been undertaken to address trafficking in human beings in South Asia and strong political commitment to prevent and address child trafficking is evident.
- All the countries in the region are members of the South Asian Association for Regional Cooperation (SAARC) and have signed two of its conventions, one aimed at preventing and combating trafficking of women and children in prostitution; the other promoting the welfare of children.
- A broad range of national plans of action have been developed on trafficking in human beings, including some specifically on child trafficking. Many other plans relevant to child trafficking exist, such as national plans of action covering sexual abuse and exploitation of children and national plans of action on children.
- Many countries have established specialized bodies and structures to plan, coordinate and implement policies on human trafficking.
- Several non-governmental organizations across the region cooperate to enhance protection of children from exploitation and abuse, including trafficking.
- Community mobilization initiatives are also in place in some countries, promoting preventive measures and child protection mechanisms at community level and addressing the root causes of trafficking.
- New initiatives in the region include the development of minimum standards of care for child victims of trafficking and other forms of exploitation and abuse, as well as guidelines and training on case management of children.

Some countries in the region have developed bilateral agreements with other countries in South Asia, or with countries in other regions. However, further bilateral cooperation is needed, in particular to enhance the protection of children in cases where they are repatriated to their home countries, or sent to a country not of their origin.

## Trafficking patterns and flows

- Although reporting is limited in scope, it indicates that trafficking in human beings occurs in the majority of the countries in South Asia.
- Most of the countries in South Asia are countries of destination, origin and transit in the human trafficking chain. Internal trafficking (trafficking within national borders) also occurs and is estimated to be a significant form of trafficking in the region. This signifies that governments in South Asia have multiple responsibilities: to prevent trafficking; to protect children who are victims or who may be at risk; to prosecute perpetrators; and to ensure the recovery and empowerment of children who are victims of trafficking, exploitation, abuse and violence.

- Child trafficking in South Asia is most commonly perceived and addressed in connection with sexual exploitation. However, reports indicate that trafficking also takes place for various other exploitive purposes. Among these are labour exploitation, including domestic servitude and begging; criminal activities; exploitation in armed conflict; forced marriage; debt release; and settlement of disputes.

## Data collection and research

- Most countries in the world, South Asian countries included, lack mechanisms for harmonized and systematic collection, analysis and dissemination of data on child trafficking at all levels – international, regional and national.
- Few reliable estimates exist of the magnitude of the phenomenon in South Asia. Statistics are often limited to cases of cross-border trafficking of women and girls for sexual exploitation and punishment of traffickers.
- Data are seldom disaggregated by age, gender, national origin or form of exploitation. Little information is available on the social background of persons who have been trafficked and the modus operandi of traffickers. Where qualitative data and information are available, they enhance understanding of the local situation, risk factors and children's views of services and options. However, qualitative data and information have not been systematically collected and analysed to inform national and regional responses to prevent trafficking and protect children from being trafficked.
- More research is needed on the links between child trafficking and other child protection issues, such as the protection of children's rights in migration or other forms of mobility. The factors that make children vulnerable and the root causes of child trafficking need to be investigated in closer relation with other child protection concerns. These include violence and abuse in the community, at home or in institutions; social and economic marginalization and discrimination; lack of livelihood opportunities for children and young people; and social norms and structural factors that put children at risk.

## International standards and national legislation

- Many international and national legal standards have been adopted to prevent and combat child trafficking. However, none of the countries in South Asia has ratified the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the 'Palermo Protocol'). Only India and Sri Lanka are signatories to the Protocol.
- National definitions of human and child trafficking vary throughout the region. Definitions of exploitation are often too narrow, and do not reflect the full scope of

the international definition provided in the 'Palermo Protocol' and the even broader notion of trafficking promoted by article 35 of the Convention on the Rights of the Child. This hinders effective, collaborative responses through regional and international cooperation. At the same time, there is a general lack of conceptual clarity around the distinctions between child trafficking, sexual exploitation, prostitution, child labour and migration.

- Most international standards focus on adults, and there is a tendency to envisage child trafficking as a sub-issue of human trafficking. This focus is reflected at the national level across South Asia.
- The countries in the region do not have a uniform definition of the legal age of majority or other age limits that define a 'child' in different contexts. Some countries grant different standards of service and protection for girls and boys, for example by providing boys with less legal protection from sexual exploitation than girls, or defining a lower minimum age of marriage for girls than for boys.
- Child trafficking is typically addressed as a law enforcement and criminal justice issue, within South Asia and globally. Legislation seldom includes other dimensions, such as legal, psychological and other kinds of assistance to the victim, or other measures to ensure the child's empowerment and protection. In some countries the focus is on law enforcement to control or criminalize prostitution, which emphasizes the 'immorality' of the sexual activities rather than the protection of the victim from exploitation and abuse.
- Legal protection for children who have been trafficked remains weak. Victims of trafficking are not always recognized as such and may be held accountable for offences they committed as a result of being trafficked.
- National legislation often addresses trafficking within the context of sexual exploitation of women and girls. This focus has drawn attention away from children who are trafficked for other forms of exploitation, and neglects trafficking of boys for sexual exploitation.

### Policy responses

- Policy frameworks are in place in many countries in South Asia to address trafficking in human beings. They include specialized national bodies and institutions and national plans of action or other policy tools, including mechanisms for multi-stakeholder, bilateral and regional cooperation.
- However, there is a lack of synergy and coordination between and among the action plans and the many actors involved in anti-trafficking initiatives (including governments, United Nations agencies, and non-governmental organizations). The diversity of their mandates and approaches makes coordination at national and international levels a challenge.

- Protection measures tend to focus on short-term assistance to victims. Scarce attention is paid to analysing the root causes of trafficking or identifying children at risk. Little focus has been given to psychosocial support for children who are victims of trafficking or other forms of exploitation, abuse and violence. Improving livelihood options in communities as a measure to reduce risk also needs further attention.
- There is a lack of clear measures for the implementation and evaluation of policy responses to trafficking. Another issue is the allocation of sufficient resources to ensure effective implementation of commitments and action plans.
- The region offers valuable experience in promoting children's active participation, especially in policy-making. Nonetheless, children's experiences, recommendations and actions to prevent child trafficking are often still overlooked in the implementation and monitoring of policies and programmes to combat trafficking and assist children who have been trafficked.
- Children are seldom heard in legal and administrative procedures regarding their own cases, and the best interests of the child are not always considered in those procedures.

### Holistic approaches to child protection

- While there are many genuine efforts aimed at strengthened protection of children, the region generally lacks comprehensive child protection systems at national and community levels to prevent trafficking, prosecute perpetrators and assist children who have been trafficked. Challenges remain in establishing child-friendly legal, medical and psychosocial services, community mobilization for child protection, and training of service providers. Other needed measures include the development of child-friendly information and material on child protection issues, and support for children's own actions for preventing and addressing child trafficking and other child protection concerns. The contributions of children and adolescents are important in assessing services and designing research tools.
- Multisectoral collaboration against child trafficking is needed in South Asia to enable holistic and child-friendly approaches to protection. It should involve all institutions and key relevant actors. These are essential for a holistic and child-friendly approach.
- A systemic approach that ensures cooperation among all relevant sectors, institutions and professionals working with children is necessary to recognize the linkages between violence, abuse, exploitation and trafficking, and between trafficking and migration. Such a systemic approach also facilitates the redress of the root causes of child protection violations, including gender-based discrimination.

# 1 TRAFFICKING PATTERNS IN SOUTH ASIA

Child trafficking is a global phenomenon, which is not limited to any geographical region or country. It is a gross violation of children's rights. It infringes upon the child's physical and mental integrity, which is central to the experience of human dignity, and poses a significant threat to the child's life.

Although reporting is limited in scope, it indicates that trafficking occurs in the majority of countries in South Asia, most of which are countries of origin, destination and transit in the trafficking chain (see box 1.1, page 6). Internal trafficking (i.e. trafficking within national borders) is also an issue in most countries. Trafficking is reported to occur both within the region and also between South

Asia and other regions, including East Asia, Europe and the Gulf States. However, South Asia is primarily a region of origin.

Children are trafficked in South Asia for various purposes. Sexual exploitation is a major purpose, as is labour exploitation for work in agriculture, factories and domestic servitude. Children are also exploited for begging and criminal activities. Trafficking for illegal adoption has also been reported in some countries, though further research is needed on its extent. Boys from Bangladesh and Pakistan have been trafficked to work in camel racing in countries in the Gulf.



Trafficking for forced or arranged marriage is another issue in the region, and occurs in countries such as Afghanistan and Bangladesh. In Afghanistan, debt release, dispute settlement and forced military recruitment are other causes of trafficking of children.

### Data collection

Most countries in the world, South Asian countries included, lack mechanisms for harmonized and systematic collection, analysis and dissemination of data on child trafficking at all levels – international, regional and national. In South Asia, few reliable estimates exist of the magnitude of the phenomenon. Statistics are often

collected only on cases of cross-border trafficking of women and girls for sexual exploitation. Thus information is scarce on the extent of trafficking for other purposes, as well as on internal trafficking and the trafficking of boys for sexual exploitation.

The scope of data and information available on trafficking in the different countries varies widely. For example, Bangladesh, India and Nepal have compiled limited data; while a lack of data in Bhutan and the Maldives makes it difficult to analyse trafficking patterns. These variations do not correspond to, or reflect, the extent of the problem of the trafficking, exploitation and abuse of children in the respective countries. On the contrary, they illustrate that more systematic data collection is needed at national and regional levels.

National data are rarely disaggregated by age, gender, national origin or forms of exploitation. Even when statistics are disaggregated, challenges remain in determining the age of the child, identifying and registering victims (due to different data-collection methods used), sharing data between authorities, and identifying changes in parameters of measurement over time. These factors hinder effective registration of the numbers of children who have been trafficked, knowledge about their age at the time of trafficking and the ability to make comparisons over time.

The lack of knowledge about trafficking is due to the absence of both quantitative and qualitative data. This includes information on children's experiences of recovery and integration following the trafficking situation. Also lacking is information on the root causes of trafficking, the operation of traffickers, and the involvement of family members in the trafficking process.

### Links between child trafficking and other protection concerns

Many legal and policy initiatives in South Asia combine trafficking with migration or do not investigate the relationship between these two distinct phenomena. Human trafficking must be distinguished from migration as well as from human smuggling. Trafficking involves exploitation as a matter of definition in a way illegal migration and smuggling do not. Whereas illegal migration and smuggling necessarily involve crossing state borders without state permission, trafficking does not. Persons may be moved within the borders of a country or may enter another country with a valid visa but nonetheless end up in exploitative situations. Trafficking often involves persons who want to migrate, either within the country or to another country, but who are



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## BOX 1.1

### DEFINITIONS OF COUNTRIES OF ORIGIN, DESTINATION AND TRANSIT, AND INTERNAL TRAFFICKING

Exploitation and abuse can occur at all stages of the trafficking process – in origin, transit and destination countries, as well as in the context of internal trafficking.

#### **Country of origin**

This refers to the country where a person is first recruited or abducted for trafficking. In many cases the country of origin is the trafficked person's home country. However, it may also be a country of residence or a country to which someone has migrated before trafficking occurs.

#### **Country of destination**

This is the country to which a trafficked person is brought for the purpose of exploitation. The destination country is not always the final point of the trafficking process since a person may be transferred to

another country or recruited by another trafficker at any stage in the process.

#### **Transit country**

This refers to the country through which the trafficking route leads (for geographic or logistic reasons) before the destination country is reached.

#### **Internal trafficking**

This is trafficking that occurs within a country's borders. Victims of internal trafficking may be nationals of the country in which they are trafficked, migrants with or without legal status who reside in the country over the short or long term, stateless persons or other persons. When internal trafficking occurs, a country is considered to be both a country of origin and a country of destination.

recruited by traffickers before, during or after the migration process. Undocumented migrants often experience violence and exploitation both during the migration process and at the final destination. Anti-trafficking initiatives must therefore address the broader context of migration within which trafficking may occur.

The consequences of conflating migration with trafficking are various. For example, Nepal has legislation restricting women's movement and migration in an attempt to protect them from trafficking. However, this measure intended for protection leads to situations where women who wish to migrate seek illegal means of leaving the country. For women and girls, this may increase, rather than decrease, the risk of being trafficked or experiencing other forms of exploitation and abuse.

In all countries in South Asia further research is needed into the root causes of child trafficking. These root causes are known to include violence and abuse in the community, at home or in institutions, as well as gender-based and other forms of discrimination; social and economic marginalization; lack of livelihood opportunities for children and young people; and social norms and structural factors that put children at risk. At the same time, little is known about the dynamics of these causes and their interactive effects.

Gender inequalities and discrimination are a serious concern across the region. Discrimination against girls begins before birth and continues throughout their lives.

Girls are at higher risk than boys of foeticide and infanticide, and their basic needs are often neglected, especially where family resources are scarce. Their mobility is often restricted, and in many communities girls have less access to education and household nutrition.<sup>1</sup> To avoid the social and economic consequences of having an unmarried daughter, some family members promote early and arranged marriage. This makes the girl vulnerable to early pregnancy, sexual abuse and violence. Boys are also vulnerable to sexual exploitation and are more prone than girls to forced military recruitment, work in the camel-racing industry and other exploitative situations. However, less attention is paid to the phenomena of sexual exploitation of boys due to perceptions of masculinity and the belief that boys cannot be sexually exploited.

Gender-based violence is both a root cause of trafficking and a factor in other protection contexts, such as the vulnerability of girls and women to HIV infection.<sup>2</sup> More attention is therefore needed to the linkages between discrimination and other child protection concerns.



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Factors such as age, gender, ethnic origin, caste, sexual orientation and ability status are often interconnected grounds of discrimination. Discrimination on a single or on multiple grounds may increase children's vulnerability to abuse, exploitation and trafficking, requiring a different combination of prevention and protection measures. These include access to shelters for children with certain disabilities, and the provision of information and education material in minority and indigenous languages.

Nonetheless, it is important not to isolate children by separating them into different categories of identity. Identifying some children as 'different', or excluding them from broader anti-trafficking programmes, may

make them more vulnerable to discrimination. They are all children first and foremost, and their differences must be recognized not as a cause for separation and stigmatization but as a means to understand and respond to the different, often interrelated, grounds of discrimination that place some children at higher risk. The linkage between sexual abuse and sexual exploitation is another area that requires further attention. Sexual abuse is recognized as a major contributor to the further sexual exploitation of children. For example, sexual abuse in the home may force children to leave their families, which makes them more vulnerable to sexual exploitation.<sup>3</sup>

# 2 LEGAL FRAMEWORKS

## International and regional standards

A number of international and regional standards have been developed to prevent and combat trafficking in human beings and to protect children's human rights (see table 2.1, page 10).<sup>4</sup> To ensure the full protection of children's rights within an anti-trafficking context, all relevant treaties must be ratified and effectively implemented. This includes the Convention on the Rights of the Child, its two Optional Protocols, the Convention on the Elimination of All Forms of Discrimination against Women and other human rights instruments.

Of critical importance for the comprehensive protection of the rights of the child, including protection from any form of violence, exploitation or abuse, is the Convention on the Rights of the Child and its Optional Protocols – on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict. All countries in South Asia have ratified the Convention, and the Optional Protocols have been ratified by all States except Bhutan and Pakistan, which have signed them.



Of specific relevance for defining and criminalizing trafficking in human beings is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the 'Palermo Protocol', 2000), which supplements the United Nations Convention against Transnational Organized Crime. The 'Palermo Protocol' is the first legal instrument to provide an internationally agreed definition of trafficking in human beings, and it addresses trafficking in children specifically. However, the protocol has not been ratified by any country in the region, and has been signed only by India and Sri Lanka.

The 'Palermo Protocol' defines trafficking (article 3(a)) as follows:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Further in regard to children, article 3(c) states:

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article.

A number of International Labour Organization conventions protect children from labour exploitation. Of particular relevance is Convention No. 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ('Worst Forms of Child Labour Convention', 1999). It has been ratified by Bangladesh, Nepal, Pakistan and Sri Lanka.

The Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption ('the Hague Adoption Convention', 1993) protects children's rights in intercountry adoption. Of the countries in South Asia, only Sri Lanka has ratified this convention.

At the regional level, the most relevant instruments for preventing child trafficking are two conventions adopted in 2002 within the framework of the South Asian Association for Regional Cooperation (SAARC).<sup>5</sup> Of particular importance is the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. The other is the Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. Another important regional commitment on child trafficking is the South Asia Strategy against Commercial Sexual Exploitation of Children and Child Sexual Abuse (the 'South Asia Strategy'). The strategy was adopted at the South Asia Consultation for the Second World Congress against Commercial Sexual Exploitation of Children in 2001.



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**Table 2.1 Status of ratification\* of instruments relevant to child trafficking by states in South Asia**

Convention/Protocol	Ratification	Signature
Convention concerning Minimum Age for Admission to Employment – International Labour Organization Convention No. 138 (1973)	Nepal (1997) Pakistan (2006) Sri Lanka (2000)	
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour – International Labour Organization Convention No. 182 (1999)	Bangladesh (2001) Nepal (2002) Pakistan (2001) Sri Lanka (2001)	
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)	Afghanistan (1985) Bangladesh (1985) India (1953) Pakistan (1952) Sri Lanka (1958)	
Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption ('Hague Adoption Convention'; 1993)	India (2003) Sri Lanka (1995)	
Convention on the Elimination of All Forms of Discrimination against Women (1979)	Afghanistan (2003) Bangladesh (1984) Bhutan (1981) India (1993) Maldives (1993) Nepal (1991) Pakistan (1996) Sri Lanka (1981)	
Convention on the Rights of the Child (1989)	Afghanistan (1994) Bangladesh (1990) Bhutan (1990) India (1992) Maldives (1991) Nepal (1990) Pakistan (1990) Sri Lanka (1991)	
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)	Afghanistan (2003) Bangladesh (2000) India (2005) Maldives (2004) Nepal (2007) Sri Lanka (2000)	Bhutan (2005) Pakistan (2001)
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	Afghanistan (2002) Bangladesh (2000) India (2005) Maldives (2002) Nepal (2006) Sri Lanka (2006)	Bhutan (2005) Pakistan (2001)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ('Palermo Protocol'; 2000)		India (2002) Sri Lanka (2000)
SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002)	Afghanistan (2007) Bangladesh (2002) Bhutan (2002) India (2002) Maldives (2002) Nepal (2002) Pakistan (2002) Sri Lanka (2002)	
SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia (2002)	Afghanistan (2007) Bangladesh (2002) Bhutan (2002) India (2002) Maldives (2002) Nepal (2002) Pakistan (2002) Sri Lanka (2002)	

\* For the countries that have both signed and ratified the respective conventions/protocols, only the year of ratification is shown.

Most international and regional standards on trafficking in human beings focus on adults. The result is that child trafficking is often addressed as a sub-issue of trafficking in human beings rather than as a distinct concern requiring special attention to ensure the protection of the human rights of children. The same approach is generally seen at the national level in regions around the world, including South Asia.

### National legislation

Trafficking and other forms of exploitation and abuse of children are receiving increasing attention in the region, in both legal and policy arenas. Generally, all the countries have laws that address some issues related to child trafficking. Particularly relevant is legislation regarding child labour and forced or bonded labour, sexual exploitation, violence and abuse, adoption, marriage and kidnapping. Some laws refer directly to trafficking, while others can be used to address situations of exploitation, including in the context of trafficking. The relevant legal provisions can be found in constitutional provisions, criminal codes and criminal procedure codes, and labour legislation.

Five of the eight countries in the region, Bhutan, India, Nepal, Pakistan and Sri Lanka, have adopted laws that criminalize trafficking in human beings. In Bangladesh, the Women and Children Repression Act 2000 criminalizes trafficking in women and children. Five countries, Bangladesh, Bhutan, India, Pakistan and Sri Lanka, have adopted laws that criminalize trafficking in children specifically, most often as part of legislation that criminalizes trafficking in women and children. Only Bangladesh and Sri Lanka have national legislation that specifically defines child trafficking; in India child trafficking is defined only in one state law (the Goa Children's Act, 2003). Legal definitions of human trafficking exist in Nepal, Pakistan and Sri Lanka. However, none of these definitions is fully consistent with the comprehensive definitions of human trafficking and child trafficking provided in the 'Palermo Protocol'. Consequently, in these countries, child trafficking is often defined narrowly, for example as referring only to the sale or recruitment of children into exploitation, or having a single focus on sexual exploitation. In Pakistan, the definition of trafficking does not include internal trafficking.<sup>6</sup> Two countries in South Asia, Afghanistan and the Maldives, have not yet developed laws on human trafficking or child trafficking.<sup>7</sup>

Many national laws on trafficking and sexual exploitation address women and children, without adequately distinguishing between their different concerns or recognizing the evolving capacity of the child. (For example, the texts of the laws may contain a definition of child trafficking, but no distinction is made regarding

the provision of legal assistance to children).<sup>8</sup> In many areas it is particularly important to take into account the distinct situation of women and children, for example in counselling, legal assistance, participation in criminal investigations and trials and reintegration initiatives.

Child trafficking is approached from different perspectives in the region. For example, it is considered in the context of sexual exploitation, or labour exploitation, or both, smuggling of migrants or cross-border migration. Because of the varying national definitions of the issue and varying approaches adopted, trafficking often falls under the responsibilities of different government ministries. This hinders comprehensive national approaches to child trafficking as well as regional and international cooperation. Notably the prevailing approach in South Asia is to address child trafficking as a law enforcement and criminal justice issue. Few national anti-trafficking laws contain provisions concerning legal, psychological and other kinds of assistance to children who have been trafficked, to ensure adequate and protected recovery and reintegration.

National legislation on trafficking often focuses on sexual exploitation of women and girls. This has drawn attention away from children who are trafficked for other forms of exploitation. It also neglects the trafficking of boys for sexual exploitation. Some countries approach trafficking within a legal framework that criminalizes prostitution and focuses on the 'immorality' of sexual activities, rather than on the exploitation and abuse that have occurred. As a result, victims of trafficking may be held legally accountable for acts committed as a result of the sexual exploitation.<sup>9</sup>

The legal age of majority for children and other age limits defining the child in different contexts vary significantly in national legislation. The legal age of majority directly affects how stakeholders, particularly police and courts, address children's needs, respect their ability to make decisions and approach their innocence and accountability.

In addition, some national frameworks grant different standards of service and protection for girls and boys. For example, boys may receive less legal protection from sexual exploitation than girls, or the minimum age of marriage may be lower for girls than for boys.<sup>10</sup> Legal protection for children who have been trafficked remains insufficient across the region. None of the countries has a clear legal provision to protect victims of trafficking from being subject to criminal prosecution or sanctions for offences related to their situation as trafficked persons.

## BOX 2.1

### LEGISLATIVE AND JUDICIAL DEVELOPMENTS

#### **Legislation against child trafficking: Example from Goa (India)**

Although trafficking has not been defined under Indian national law, the State of Goa has defined it in the Goa Children's Act, 2003.<sup>1</sup> The act prohibits child exploitation and abuse and has a comprehensive focus, particularly on commercial sexual exploitation.<sup>2</sup> The act provides a definition of "grave sexual assault" that is designed to incorporate every type of sexual assault, including making children pose for pornographic photographs and films.<sup>3</sup> Owners and managers of hotels or other establishments are responsible for the safety of a child on their premises as well as at adjoining beaches and parks.<sup>4</sup> The law prohibits the dedication of a girl child as a *devadasi* (a girl 'married' to a God).<sup>5</sup> Photographic studios are required to inform the police if they receive sexual or obscene photographs of children to be developed or printed, and failure to report such actions is punishable with fines and imprisonment.

#### **Child-friendly judicial processes: Example from Nepal**

Respect for the evolving capacities of the child is reflected in Nepal's national court procedures. Children are allowed to testify regardless of their age. Their testimony counts as valid evidence in court if they can comprehend the questions posed by judicial authorities and provide a coherent response.<sup>6</sup> Nepalese courts have introduced in camera hearings for cases involving children, including cases on trafficking and rape.<sup>7</sup> Furthermore, the court procedures require the identity of the child to be withheld in all publications regarding the judicial process, and only other key actors in the case can attend the legal procedures. However, research indicates that the courts' rulings are not always followed in practice. The media often discloses children's names in news stories and sometimes also discloses other information such as the caste, age and occupation of the child and family.<sup>8</sup>

## BOX 2.2

### TRAFFICKING AS AN EMERGING ISSUE

#### **Child trafficking as an emerging issue: Example from Bhutan**

Over the past years, there has been a growing awareness of the issue of sexual exploitation and trafficking of children in Bhutan.<sup>1</sup> The need for strengthened awareness and action has been noted by the Committee on the Rights of the Child in 2001 and the Committee on the Elimination of Discrimination against Women in 2004.

More recently, rapid urbanization and poverty have increased the number of Bhutanese children and women vulnerable to exploitation and violence. These factors increase the likelihood of the country becoming both a destination and a source of trafficking. To prevent this, and as a response to Bhutan's commitment to its international obligations – especially to women and children – the government has passed several laws that include the protection of children and women from trafficking. The Penal Code of Bhutan and the Labour and Employment Act, 2007 both incorporate a comprehensive range of provisions for such offences. Bhutan has also ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

Several national consultations on violence against children and women have been organized by the National Commission for Women and Children, with the participation of stakeholders from the government, non-governmental organizations and the media. One such consultation in mid-2008 involved the national legal task force, with representatives from the judiciary, police and non-governmental organizations, and aimed at finalization of the acts concerning justice for children and adoption. An earlier consultation (in 2007) involved the Council for Religious Affairs, and discussed the protection of children in monastic institutions.

In 2007, the National Commission for Women and Children filed the first case of child trafficking in the country. Submitted to the Women and Child Protection Unit of the Royal Bhutan Police, the case involved a child who had been trafficked for domestic work. It generated widespread media coverage and intense public discussion. The police and the National Commission successfully prosecuted the perpetrator, who received a three-year sentence. Although the sentence could have been more severe, the case was nevertheless a wake-up call for Bhutan to intensify mechanisms to prevent and address the trafficking of women and children.

In addition, children who have been trafficked risk being misidentified as undocumented migrants, unaccompanied minors or juvenile delinquents. Child victims of trafficking may therefore be exposed to numerous forms of secondary victimization, including through detention, legal sanctions, prosecution and deportation. Another concern is the risk of stigmatizing children who have been trafficked. This can happen, for instance when the child's right to privacy is not sufficiently protected – during the criminal justice process, by the media, or during family tracing and repatriation.

In regard to judicial standards, legal penalties for child trafficking and other forms of child exploitation vary widely across the region. In Bangladesh, for example, the death penalty may be imposed on those who are found guilty of trafficking children, while in other countries the penalties for child sexual exploitation are less severe. On the one hand, harsh penalties signal that trafficking, exploitation and abuse are considered serious crimes. On the other hand, such penalties could encourage people not to report these crimes out of fear that the perpetrator,

whom they might know, will be sentenced to death or lifetime imprisonment. Judges may also be reluctant to inflict such strong penalties and, in order to avoid doing so, may prefer to find the perpetrator not guilty.

Few countries have reformed their judicial processes to make them child-friendly. Legal remedies for victims are lacking, as are formal witness protection structures for children who are victims of trafficking and other forms of exploitation and abuse. This includes children who cooperate with law enforcement. Children receive insufficient legal information and assistance, and are often excluded from participating in the development and evaluation of rehabilitation programmes. In countries where child-friendly measures are in place, such as Bangladesh and Nepal, in camera proceedings protect the child's privacy and psychological well-being. In India, the Goa Children's Act, 2003 enables the establishment of special tribunals in every district to fast-track the prosecution of offenders. The Act also ensures that the child's identity is protected in all public dissemination of the legal proceedings (*see box 2.1, page 12*).



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# 3 POLICY RESPONSES

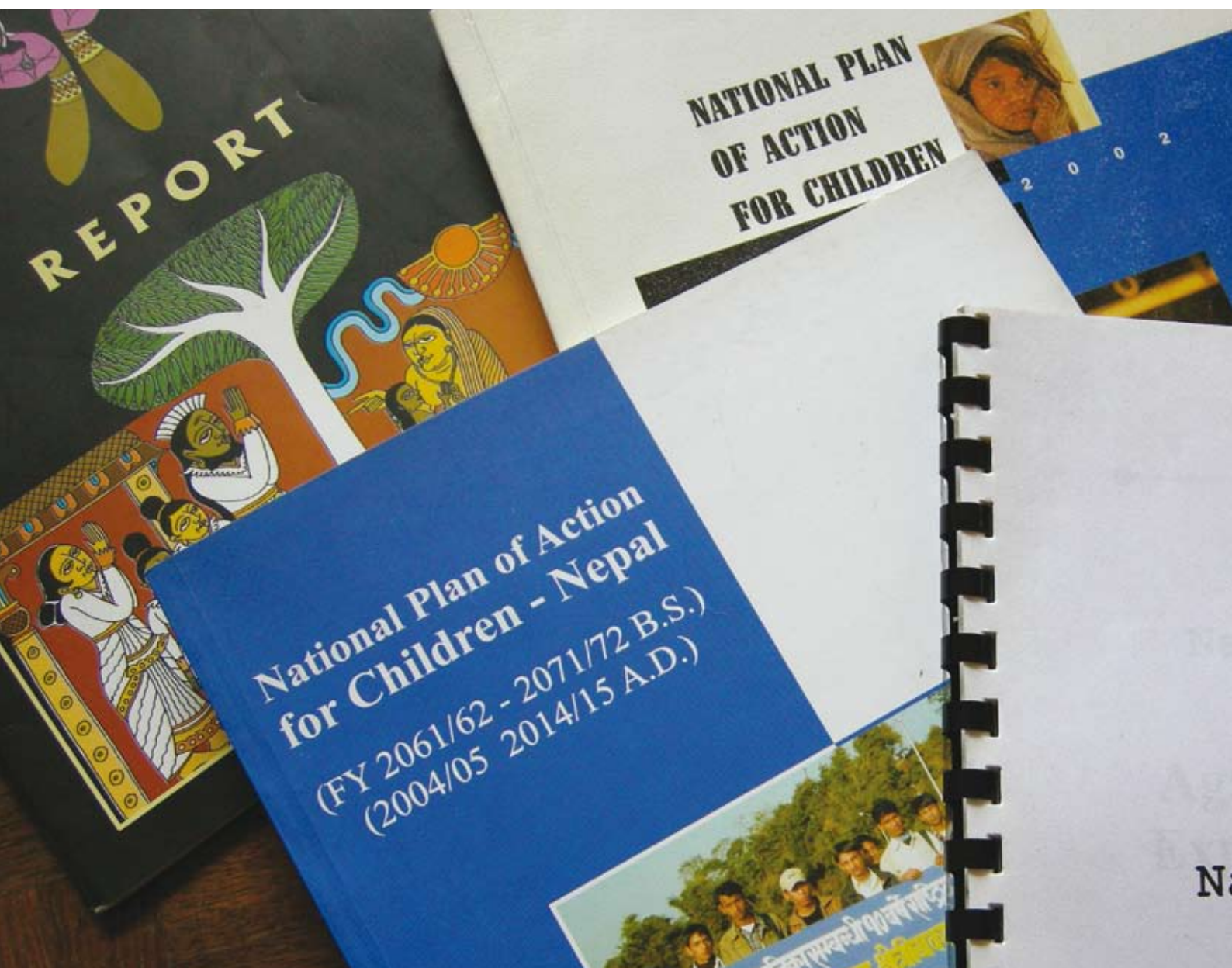
A number of comprehensive policy responses to trafficking, and specifically to child trafficking, are in place in South Asia. These include national and regional action plans, specialized national bodies, community mobilization initiatives, and cooperation with civil society and international and intergovernmental organizations.

## National plans of action

National plans of action (NPAs) are important mechanisms to ensure comprehensive approaches to the prevention of trafficking, and to the protection and empowerment of victims of trafficking.

Pakistan has a plan that broadly addresses human trafficking, and Afghanistan, Bangladesh, India, Nepal and Sri Lanka have plans on trafficking affecting women and children. The majority of these focus on trafficking for exploitation in prostitution and other forms of sexual exploitation. Afghanistan and Sri Lanka each has a plan specifically on child trafficking.<sup>11</sup> In Bangladesh, the plan focuses on sexual abuse and exploitation, including trafficking.

In addition, most of the countries have a range of other NPAs on children, including to ensure their protection from sexual exploitation, labour, violence and abuse.



Some of these plans have specific chapters on trafficking. Of great importance are NPAs on children that address trafficking within a broader framework of child development and protection. One example is Bangladesh, whose NPA on children focuses broadly on child rights issues such as education and nutrition and on protection from exploitation, violence and abuse. It gives special emphasis to trafficking, including measures for prevention and for the recovery, reintegration and prosecution of perpetrators (see box 3.1, page 16).<sup>12</sup>

More synergy is needed between all national plans of action of relevance to children, all of which should include action on child trafficking. In order to implement

such plans, institutional capacities must be strengthened and funding levels increased. Such actions can be key components of a broader process to establish comprehensive child protection systems that operate at national and community levels, and to strengthen those that are already in place.

Although a range of trafficking prevention programmes exist in the region, less attention is paid to the root causes of trafficking, such as discrimination and social and economic marginalization, and what attention there is tends to be recent. More focus is needed on vulnerabilities (both of individuals and at-risk groups), trafficking mechanisms, social norms and structural factors that put children at risk, and the establishment of alternative working conditions and better livelihood options in communities.

Challenges remain to develop national minimum standards, guidelines and protocols of care for the rehabilitation and reintegration of trafficked children. Within this process, authorities and child protection professionals need further capacity-building on children's rights, including on children's protection and participation.

National minimum standards of care and protection form part of a broader child protection system. In the South Asia region, as well as in many other regions, few measures are in place to ensure child-friendly legal, medical and psychosocial services that are responsive to children of different age groups, gender, ethnicity, ability status, and so on. These should include child-friendly reporting mechanisms.

Despite many positive initiatives to involve children in policy-making, their participation in anti-trafficking initiatives remains low. Children and adolescents need to be more involved in developing, monitoring and evaluating programmes and action plans. Child participation also remains low in administrative and legal procedures affecting them, which do not always consider children's best interests. More attention needs to be paid to children's evolving capacities. Furthermore, child-friendly information is scarce on various issues, such as on the risks of trafficking and migration, on where to report abuse and exploitation, as well as on national legal and policy frameworks on trafficking.

### National bodies and leading institutions

The South Asian countries have utilized varying approaches to establishing specialized national bodies or structures to plan, coordinate and implement policies on human trafficking and child trafficking. These include anti-trafficking coordinators, interministerial committees, national working groups and special task forces.



## NATIONAL POLICY DEVELOPMENTS

**National plans of action of relevance to child trafficking: Example from Bangladesh**

The Government of Bangladesh has adopted the National Plan of Action for Children 2004–2009 that addresses several child development and protection issues. One focus is on protecting children from abuse, exploitation and violence. This includes protecting children from trafficking within and outside Bangladesh. Other areas of focus are prevention of trafficking, recovery and reintegration of child victims of trafficking, and the prosecution of perpetrators. The national plan of action highlights the importance of addressing the root causes of trafficking, of developing and implementing policies and programmes, and enforcing legal frameworks that prevent and protect children from further abuse.

Major emphasis is given to the participation of children from different socio-economic groups in planning, implementing, monitoring and evaluating protection policies and programmes. Children and adolescents participated extensively in developing the plan. They were represented in government drafting committees and took part in consultations that were carried out at local, district and national levels.

**National policy development: Example from the Maldives**

Although child trafficking is a previously unexplored issue in the Maldives, the government has begun responding to the growing vulnerability of children to commercial sexual exploitation and trafficking.<sup>1</sup> As a first step in recognizing the issue, and as a result of wider consultations with ECPAT, the government is forging new policies.

A multisectoral meeting was convened by the Children and Family Protection Authority in June 2008 to develop a national policy to address the issue. Participants, who came from the government, non-governmental organizations and the media, discussed the increasing threats to children and the ways in which these threats can be addressed. As a follow-up to the meeting, it was agreed to carry out a situational assessment of commercial sexual exploitation of

children in the country, including the various forms, underlying causes and risk factors, trends as well as strengths and weaknesses of the country's current capacity to protect children from such exploitation. The threats identified during the meeting included increases in following: the number of hotels and guest houses being built on uninhabited islands; the number of safari boats travelling to the outer islands – and a lack of control/monitoring mechanisms for the boats; the number of cases of child abuse images reported to the police; and the number of anecdotal reports of forced prostitution. A key issue identified was the lack of awareness of these topics among the public.

The participants also discussed the need for a holistic approach to address commercial sexual exploitation of children and other related issues. Such an approach will focus on protection, prevention, recovery and reintegration, child and youth participation, and monitoring and coordination. The key outcome of this exercise was an agreed strategy for policy development. The strategy looks at ways of creating a favourable policy environment through advocacy and awareness-raising, development and implementation of the national policy. The coordinating committee that was formed during the consultation will translate the strategy into an action plan for 2008–2009 and monitor the progress made towards combating commercial sexual exploitation of children in the Maldives.

**National bodies for child protection: Example from Sri Lanka**

In 1999 Sri Lanka established the National Child Protection Authority to combat child abuse and exploitation, including trafficking, commercial sexual exploitation, forced labour and illegal adoption. The authority functions under the Ministry of Child Development and Women Empowerment. It cooperates with several government ministries, provincial councils, local authorities and the public and private sectors. The authority develops national policies and programmes, and monitors implementation of all components of child protection initiatives.<sup>2</sup>

## BOX 3.2

### MULTI-STAKEHOLDER COOPERATION AND CHILD PARTICIPATION

#### **Child participation in multi-stakeholder initiatives: Example from Afghanistan**

A number of child rights organizations, including UNICEF, supported an initiative bringing Afghan children together to develop the Children's Manifesto for Afghanistan and its accompanying Framework for Action.<sup>1</sup> The manifesto and framework were elaborated based on children's ideas and recommendations, identified through consultations and workshops in different parts of the country. The documents list the key strategies recommended for adoption by the Government of Afghanistan, international organizations, civil society and the donor community.<sup>2</sup>

Central to the manifesto, in both the method of its development and its substance, is promoting children's participation in developing policies. The manifesto also addresses education for all children, promotion of peace and safety, and development of adequate responses to violence against children, early marriage, child trafficking and child labour. A key principle is the capability of children to make informed decisions. One section is dedicated to children's recognition of their own responsibility to ensure equality for all children and to promote children's rights among parents, teachers and others in the community.

#### **Civil society approaches to trafficking: Example from Pakistan**

The Working Group against Child Sexual Abuse and Exploitation in Pakistan comprises local and international non-governmental organizations working on child rights and the protection of children from sexual exploitation. One member organization, the Pakistan Pediatric Association, brings together professionals working with children to encourage cooperation aimed at improving children's health and livelihoods. The association holds annual conferences on child sexual abuse and commercial sexual exploitation, using its expertise and resources to promote measures to tackle these issues. The group has organized consultations on children's exposure to online pornography in some provincial capitals, targeting Internet service providers and café owners, media practitioners and government officials. It has also developed and disseminated 'Net-smart' rules to encourage children to use the Internet safely.<sup>3</sup>

Institutions with a mandate to monitor human rights, and in particular children's rights, also participate in implementing anti-trafficking plans for children in some countries. One example is the Independent Human Rights Commission in Afghanistan.

Regarding independent monitoring and protection mechanisms, Nepal is the only country in the region to have appointed a national rapporteur on trafficking. Sri Lanka has established the National Child Protection Authority to address child abuse and exploitation, including trafficking, commercial exploitation and illegal adoption (see box 3.1, page 16).

In countries such as Nepal, special centres have been established to train local police departments on victim identification and support. In the majority of the countries, the ministry in charge of women's and children's affairs has the primary responsibility for anti-trafficking policies and initiatives. At the same time, different ministries are responsible for implementing the various NPAs on child protection, which may also include aspects relating to trafficking of children. This poses a challenge to coordination and synergy, as the different

departments may have different approaches to child trafficking guided by their respective mandates, jurisdictions and perceptions.

Across the region, few national mechanisms exist to ensure inter-institutional cooperation. The challenge remains to enhance cooperation between the institutions and bodies at national level responsible for implementing NPAs, and programmes for trafficking prevention and for protection and recovery of child victims of trafficking, exploitation and abuse.

#### **Civil society initiatives and cooperation among stakeholders**

A number of international bodies work on anti-trafficking initiatives in South Asia, including United Nations agencies. In some countries, anti-trafficking coordination bodies have been established to implement and monitor NPAs on trafficking, with representatives from government departments, United Nations agencies and non-governmental organizations.

### BOX 3.3

## BILATERAL COOPERATION FOR CHILD PROTECTION

### **Child protection during repatriation processes: Example from Bangladesh and the United Arab Emirates**

In 2005 the United Arab Emirates instituted a ban on the use of children under the age of 18 in camel racing.<sup>1</sup> Working with the government, the UNICEF Gulf Area Office initiated a project to repatriate children formerly involved in camel racing to their home countries, one of which was Bangladesh.<sup>2</sup> The governments of the two countries were strongly committed to preventing and responding to this issue. A plan of action was developed to repatriate, rehabilitate and reintegrate around 250 boys to Bangladesh, giving due consideration to each individual case.

The goal was to create a supportive environment for the boys and their families to ensure reintegration and prevent re-trafficking. Community care committees were established to support the families, and each boy had a mentor whom he could contact for help. The project included efforts to promote livelihoods in the community and monitor all the repatriated children. Participants in the committees included families and neighbours, as well as representatives of local government, non-governmental organizations and teachers. An important priority was to reintegrate the children into their families; institutional care was seen as the

last resort.<sup>3</sup> No family members who had been involved in the trafficking process were criminally prosecuted. This was a deliberate decision aimed at encouraging family members to come forward to claim their children and willingly participate in the reintegration process.

### **Bilateral agreements to protect trafficked children: Example from India and Bangladesh**

In 2006, the Governments of Bangladesh and India requested UNICEF's assistance to strengthen the rescue, recovery, repatriation and reintegration of children trafficked between the two countries.<sup>4</sup> Following a series of bilateral meetings, the governments prepared a joint draft plan of action aimed at developing simple, standardized procedures to expedite the process, enhance children's care and protection, and ensure that the best interests of the child are the primary consideration in all actions. For example, the plan emphasizes the development of minimum standards for care and reintegration, strengthened personal protection systems and individual case management. It addresses the difficulties of collecting family information from children and prescribes training in child-friendly interview procedures and the use of trained interviewers who speak the same language as the rescued children.<sup>5</sup>

Cooperation with multiple stakeholders at international and national levels is important to ensure the sustainability of anti-trafficking programmes and plans. This must include the participation of children in developing the initiatives. One example of children's involvement in policy development is the Children's Manifesto for Afghanistan, which addresses a broad range of child protection and child development issues (*see box 3.2, page 17*). Another example is the collaboration between the Kathmandu School of Law in Nepal and the South Asian Law Schools Forum for Human Rights. They have jointly carried out a major research project on legislation and structures related to trafficking in Bangladesh, India and Nepal.<sup>13</sup> However, effective coordination at national, regional and international levels remains a challenge throughout the region.

A broad range of non-governmental and community-based organizations across the region work on child trafficking, exploitation and abuse. The approaches used vary: some groups focus mostly on protection, such as victim assistance; others concentrate on prevention, including awareness-raising; while still others specialize in advocacy and lobbying, or a combination of all these

approaches. Non-governmental organizations are also cooperating regionally, such as in the regional network Action against Trafficking and Sexual Exploitation of Children.

### **Community mobilization**

In the process of increasing cooperation among non-governmental organizations and national organizations and bodies in South Asia, the role of community-based organizations needs to be strengthened in developing and implementing anti-trafficking initiatives involving all relevant stakeholders in the community. This requires more focus on community mobilization as a mechanism to prevent trafficking and address its root causes.

One example is the Regional Anti-Trafficking Network in India's Andhra Pradesh State, which addresses the root causes of trafficking and children's vulnerabilities. The network uses social mobilization to increase community knowledge about trafficking, exploitation and abuse, and about gender discrimination and related issues, especially among young people (*see box 4.1, page 23*).

Community child protection systems in the region need to be strengthened, and more links are needed between formal and informal protection structures. An example of a community-based programme to strengthen child protection mechanisms is the system of para-legal committees in Nepal (see box 4.1, page 23). Operating at local and district levels, these committees focus on awareness-raising, early detection, case follow-up, monitoring and reporting.

### Bilateral and regional cooperation

Human trafficking often moves beyond state borders, thus requiring regional and international cooperation for an effective response. Such cooperation and collaboration is needed between countries of origin, transit and destination in the trafficking chain.

Bilateral collaboration has been initiated within the South Asia region and with countries in other regions.

Many bilateral agreements focus on law enforcement issues and mutual legal assistance, or on the repatriation of victims of trafficking. For example, Bangladesh and Pakistan have signed bilateral agreements with the Government of the United Arab Emirates to repatriate children working in camel racing (see box 3.3, page 18). Another example of bilateral cooperation is a plan of action drafted by Bangladesh and India to strengthen and expedite the rescue-to-reintegration process for trafficked children.

The countries in South Asia have entered into several regional agreements concerning human trafficking. All countries are members of SAARC and are signatories to its conventions on preventing and combating trafficking of women and children in prostitution and promoting the welfare of children, as earlier discussed. Another important regional commitment on child trafficking is the 2001 South Asia Strategy against Commercial Sexual Exploitation of Children and Child Sexual Abuse.



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# 4 PREVAILING CONCEPTS AND APPROACHES

National legal and policy responses to human trafficking in the countries of South Asia mirror the complex nature of trafficking. Beyond the international definition, many different definitions of trafficking exist at national level, along with strategies for preventing and responding to the phenomena. As a result, governmental and non-governmental actors often approach human trafficking from different perspectives. Each approach focuses on a different dimension of human trafficking and broadly addresses:

- Trafficking as a law enforcement and criminal justice issue
- Movement in the trafficking process
- Trafficking for the purpose of sexual exploitation
- Trafficking as a labour issue
- A human rights-based approach to trafficking.

One prevailing approach in the region is to treat trafficking primarily as a law enforcement and criminal justice issue. This highly important perspective is central in all international law on trafficking. However, the emphasis on criminal law reform and prosecution has resulted in limited attention being given to measures for prevention and for the recovery and reintegration of children, and to key actors outside law enforcement. A focus on criminal prosecution may result in failure to recognize victims of trafficking as such, and may even lead to holding them accountable for crimes committed as a result of being trafficked. Avoiding criminal liability or receiving assistance in the country of destination may also be conditional and may depend on a victim's willingness to cooperate with authorities. However, children may be particularly reluctant to report or testify against their abusers out of fear of being stigmatized, experiencing punitive legal consequences or receiving threats from the persons who were involved in their trafficking process.

Many countries in South Asia have anti-trafficking legislation that focuses on movement in the trafficking process, in particular where movement occurs across international borders. In this context, anti-trafficking initiatives focus on strengthening migration laws and border control. Tightening and enforcing migration laws may also increase the vulnerability of children and young people who move within or across borders. Recognizing that trafficking, abuse and exploitation are risks for persons who choose to migrate in search of better life opportunities, an alternative approach might be to develop policies that help people migrate safely. This could reduce children's vulnerability to trafficking and help prevent exploitation and abuse in the context of movement or migration.

Mandatory systems of repatriation often fail to take children's safety and best interests into account. Protection measures are mostly limited to short-term assistance

for victims before their return to the country of origin. Children's conditions in the countries of origin and destination, and during the movement itself, receive limited consideration.

National legislation in most South Asian countries often addresses trafficking within the context of sexual exploitation of women and girls, mostly in regard to prostitution. Although this is an area of great concern, limiting the focus to sexual exploitation has resulted in limited attention being paid to trafficking into other forms of exploitation. Likewise, children who are sexually abused in the course of migration or contexts other than trafficking are largely neglected. There is also a tendency to overlook trafficking of boys for sexual exploitation.



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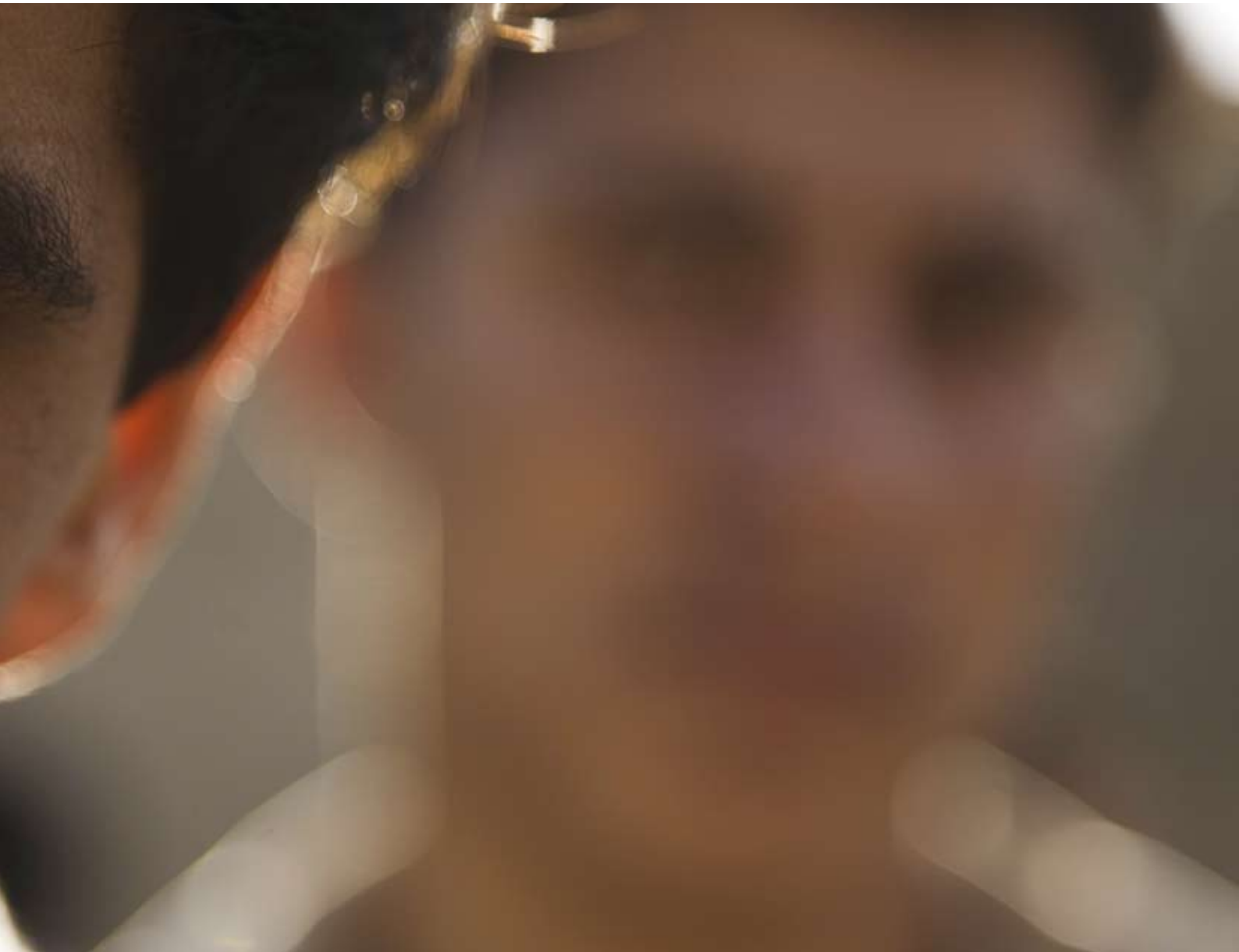
When human trafficking is approached as a labour issue, national initiatives (such as labour codes and plans of action) most often focus on implementation of labour standards and improved working conditions. However, labour regulations apply only to the formal sector; they do not protect people working in the informal sector, which is where children who have been trafficked for labour exploitation are most likely to be found.

Although each of these dimensions provides important insight into crucial aspects of human trafficking, approaching trafficking from a single perspective does not adequately address its full complexity and dynamics. Furthermore, these approaches focus on human trafficking in general

and thus fail to effectively protect children or take into account their specific vulnerabilities and needs.

Enhancing the prevention and protection of children from trafficking and other forms of exploitation and abuse calls for a comprehensive approach that places the child at the centre of all actions. These actions must be guided by the general principles of the Convention on the Rights of the Child of non-discrimination, survival and development, ensuring the best interests of the child and respect for the child's views.

Child trafficking is more than a sub-issue of human trafficking, and responses need to reflect that reality.





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A comprehensive approach is needed, centred on children's human rights. At the heart of this approach is the recognition of the state's obligation to protect the rights and fundamental freedoms of all children at all times. This will enable the establishment of a framework for developing measures that address child protection from all forms of abuse and exploitation, including trafficking. A focus is also needed on the social agency of children and adolescents to make informed and confident decisions in matters that concern them. Other key areas requiring further investigation are: the root causes of trafficking; building a protective environment for children at family, community and institutional levels; and creating livelihood options within communities.

Such a holistic approach to child trafficking incorporates the key dimensions of prevention, protection and empowerment in a comprehensive framework to protect children from all forms of trafficking, exploitation and abuse.

### **Prevention**

Preventing child trafficking from occurring in the first place is a key component of a child rights-based approach. Prevention programmes should investigate the

social, cultural and economic conditions of the given context and identify vulnerable groups who are particularly at risk. This includes initiatives to address the root causes of trafficking and other forms of exploitation and abuse, including discrimination, social and economic marginalization, violence and abuse, as well as armed conflict and organized crime (see box 4.1, page 23). In South Asia, discrimination on the grounds of gender is an important focus of attention in many anti-trafficking initiatives. Discrimination on grounds of social status and caste, ethnic origin, sexual orientation, nationality and ability status are other challenges in the region.

Access to information and education, both in terms of formal schooling and life skills education, are other essential components of a preventive approach. These must be aimed at empowering children to make informed choices and protect themselves. This entails informing children about trafficking and other risks of exploitation and abuse, including the risks of migration. Other issues needing attention include discrimination, risky behaviour, gender stereotypes, sexuality and abusive relationships.

## BOX 4.1

### RIGHTS-BASED PROGRAMMING AT COMMUNITY LEVEL

#### **Community mobilization at regional level: Example from India**

A Regional Anti-Trafficking Network has been established in three particularly vulnerable districts of Andhra Pradesh State to protect children from trafficking and address the root causes of trafficking, exploitation and abuse.<sup>1</sup> The network focuses on social mobilization and pays particular attention to gender discrimination and related issues. It also aims to sensitize police and judicial officials. Given the links between poverty and trafficking, members work to establish livelihood options in communities by linking vulnerable groups to livelihood programmes established by the government or by non-governmental organizations. The network includes district collectors (administrators), superintendents of police departments, local police, the Women Development and Child Welfare Department, district rural development authorities, non-governmental organizations, and community and youth groups.

The network focuses on positive messages, using existing good practices and community structures to enter into dialogue on child protection. It has influenced communities to take a collective stand and acknowledge that trafficking, exploitation and abuse of children need to be addressed. The high level of youth participation and the state government's long-term

commitment have increased community involvement in the project. People from the community, especially women and adolescent girls, actively participate in antitrafficking surveillance activities, including monitoring the situation and reporting on suspected trafficking.

#### **Child protection mechanisms at community level: Example from Nepal**

Para-legal committees have been formed in 23 districts of Nepal to address all forms of violence, abuse and exploitation of children and women.<sup>2</sup> The emphasis is on prevention, early detection, case follow-up, conflict resolution and monitoring and reporting. The committees have become an integral part of Nepal's district protection system, linking members of vulnerable communities with support service providers, government agencies and district-level non-governmental organizations. The committees' sensitization programmes raise awareness about risks, human rights and support structures among children and women, and have helped communities become more attentive to trafficking. The para-legal committees also challenge social norms, such as the acceptance of child marriage and domestic violence, that put children at risk of exploitation and abuse, including trafficking.

Reporting mechanisms and access to livelihood options should be established simultaneously. Information and education measures for children who are victims of trafficking are important to ensure reintegration and prevent re-trafficking. In South Asia, the reintegration of child victims poses a major challenge, and life skills education is receiving increasing attention. One example is in India, where the non-governmental organization Sanlaap has established a comprehensive life skills programme in shelters for girls who have been rescued from exploitative situations (see box 4.2, page 24).

Prevention measures should also include investigation of the links between trafficking and other child protection concerns, such as domestic violence and abuse, as well as migration and other forms of movement of children.

#### **Protection**

The main responsibility to safeguard children from violence, exploitation and abuse lies in the national child protection system, or with equivalent structures where such systems are not established. Child protection structures, both national and local, are generally weak in the region. This is particularly the case regarding preventive

mechanisms and the provision of legal, social, medical and psychological assistance to the child. Attention to the issue is growing, however, and innovative approaches can be found. In Bangladesh and India, for example, case management systems have been established to provide rescued children with personal care and assistance under the guidance of a multidisciplinary team (see box 4.2, page 24).

Protection initiatives should include both short- and long-term measures for the full recovery and integration of children who are victims of trafficking. These measures should take into account the child's age and experiences, evolving capacities and particular challenges. A supportive network should be established that offers child-friendly services. This requires capacity-building of the relevant authorities and professionals working with children. Adequate education and information, including training on life skills, is another important component of a protection system. This helps build self-esteem, empowers the child to make informed decisions following the trafficking experience, and prevents re-trafficking.

Judicial procedures must be made child-friendly, and the victim should have access to legal remedies. All autho-

## BOX 4.2

### CHILD PROTECTION IN THE PROCESS OF REHABILITATION

#### **Rehabilitation through life skills education: Example from India**

The non-governmental organization Sanlaap operates a comprehensive life skills programme called Power Girls that works with girls who have experienced trafficking and other forms of exploitation and abuse.<sup>1</sup> The goal is to provide comprehensive and intensive life skills training, which helps the girls gain the confidence and skills to make informed decisions. The programme teaches skills for communication, decision-making and anger management, and addresses issues such as peer pressure and gender-based discrimination.

With sessions continuing over several months, the girls are not only introduced to skills but are also given the time to actually learn them. They are also trained in techniques such as active listening and stress reduction. Much of the learning occurs through role playing followed by group discussions, which frequently continue beyond the classroom.<sup>2</sup>

#### **Case management to ensure victim assistance: Example from Bangladesh and India**

With support from UNICEF, the Governments of Bangladesh and India are developing a bilateral agreement, together with national minimum standards of care and protection for residential care. The agreement includes the establishment of administrative and procedural case management of rescued children by government authorities and non-governmental organizations to oversee the rescue-to-reintegration process.

In West Bengal, India, the government has ordered the establishment of task forces on child trafficking; similar task forces will soon be established in Bangladesh as well.<sup>3</sup> According to the agreement, each child is provided with individualized care and assistance under the guidance of a multidisciplinary team of caregivers, which includes, wherever needed, a case worker, a counsellor, a house mother, a legal representative and physicians.

The team assesses facets of the child's needs and wishes, including medical, psychological, protection, literacy and vocational issues. With those assessments, the team develops a case plan with the child's participation. The plan includes goals and actions for all facets of the child's care, protection and eventual reintegration into the community.<sup>4</sup>

rities involved in the justice process (from local police officers to judges in national courts) should receive training on child rights and protection. This should include specific methods to identify and support child victims of trafficking.

There is an absence of child-friendly judicial procedures across the South Asia region and a need to build capacity on child trafficking among professionals at every level. Children must be given a voice in all matters concerning them, including in judicial proceedings. Their views must be heard and included, starting with the initial reporting to local authorities and ending with the final evaluation of the recovery and reintegration process.

Initiatives to develop child-friendly judicial processes are increasing. Nepal has court regulations that establish in camera hearings and protect the child's identity. In India, the Goa Children's Act, 2003 (applicable only to that Indian state) proposes the establishment of a children's court to try all offences against children, whether or not they fall under the Act's purview. This will enable all children to give evidence in a safe, child-friendly space without having to face perpetrators of crimes against them. Important principles underlying the court's practices are the best interests of the child, including

respecting the child's privacy, ensuring sensitive interaction during questioning, and encouraging and respecting child participation. Determining the effective implementation and sustainability of the children's court remains a challenge.

Governments are responsible for ensuring that all solutions are in the best interests of the child. Family tracing is essential. Since repatriation may not always be in the child's best interests, each case needs to be assessed individually, taking the child's views into consideration.

Advances in child protection have been made primarily at the policy level, best exemplified by the vast number of NPAs in existence in most countries. The majority of these plans focus mainly on child protection from a law enforcement perspective, with preventive and recovery measures receiving less attention.

National institutions, such as Sri Lanka's child protection authority, are important. Independent national institutions are a key mechanism for monitoring the situation of children and implementing state commitments against trafficking. Examples include the Afghanistan Independent Human Rights Commission, India's National Human Rights Commission and National Commission

## BOX 4.3

### CHILD PARTICIPATION IN ANTI-TRAFFICKING INITIATIVES

#### **Child participation in national plans of action: Example from India**

India's National Plan of Action for Children 2005 has a comprehensive chapter on child protection that establishes goals, objectives and strategies. A major emphasis is on making all children aware of their rights and providing them with opportunities to develop the skills to form and express their views. Another focus is gaining the confidence to participate in all matters that concern and affect them.

The plan's strategies include the following:

- Capacity-building on child rights and participation among decision makers, professionals working with children, parents and other caregivers
- Strengthening children's organizations and providing children with opportunities to advocate with adult institutions
- Preparing child-friendly information on policies, plans and legislation
- Ensuring that children have access to effective complaint procedures
- Establishing measures to enable all children, including those in difficult circumstances, to participate in monitoring the national plan of action and preparing reports to the Committee on the Rights of the Child.<sup>1</sup>

#### **Youth participation and empowerment at regional level: Example from Bangladesh, India and Nepal**

The Youth Partnership Project for Child Survivors of Commercial Sexual Exploitation in South Asia is an initiative designed to empower and build the capacity of youth to take the lead in the fight against commercial sexual exploitation of children.<sup>2</sup> Young people trained by the project have set up peer-support programmes in schools located in high-risk areas of Bangladesh, India and Nepal. They share information and provide individualized support to their peers, to help them avoid becoming victims of commercial sexual exploitation.

Youth trained in media and advocacy skills conduct awareness-raising campaigns that target communities in an effort to reduce the numbers of children trafficked to other cities and neighbouring countries. The project also works with trained caregivers and local organizations to equip them with the skills to provide quality psychosocial care for child survivors.

With the support of ECPAT and various non-governmental partners – Sanlaap in India, Maiti Nepal in Nepal and Aparajeyo in Bangladesh, the youth are working to improve the lives of child survivors and persuade adults at all levels to end the trafficking and commercial sexual exploitation of children.<sup>3</sup>

for Protection of Child Rights and Nepal's National Rapporteur on Trafficking in Women and Children.

#### **Empowerment**

Empowering child victims of trafficking and children at risk is key to anti-trafficking initiatives and should be a central component of national legal and policy responses. However, this has so far received insufficient attention. Empowerment measures include building children's self-esteem through provision of education and information on human rights, trafficking and other protection concerns, and also through ensuring children's meaningful participation in decision-making processes.

Recognizing the trafficked child as a victim of a crime is essential to establish both the innocence of the child and the accountability of the perpetrator. However, limiting the focus to the 'victim' aspect fails to take into account the agency and evolving capacities of the child. It leads to dealing with children as passive recipients of services and places decision-making authority with adults. A human rights-based approach recognizes children's agency and capacity to make informed decisions, overcome challenges and plan for the future. In this perspective, children are seen as active participants in

their own development and recovery from abuse and exploitation. This means that children must receive adequate support and assistance and must participate in decisions regarding their recovery.<sup>14</sup>

Meaningful participation raises children's self-esteem and gives them more confidence to report instances of abuse. Adults can only protect children when they are informed about what is happening in children's lives, and children are well placed to provide this information.

Some of the countries in the region include child participation in their policies, both by including children in developing the national plan of action and as a key issue of the NPA (see box 3.1, page 16 and box 4.3, above). Children can also play an important role in the implementation and monitoring process of NPAs.

Throughout South Asia children and youth are initiating their own activities, either alone or together with adults, to challenge discrimination, abuse and exploitation. Some are local initiatives, while others take place at the regional level, such as the Youth Partnership Project for Child Survivors of Commercial Sexual Exploitation in South Asia (see box 4.3, above).<sup>15</sup> Children's own actions should be encouraged and supported in all countries.

# 5 RECOMMENDATIONS

## Mainstreaming the general principles of the Convention on the Rights of the Child

The Convention on the Rights of the Child contains four general principles and rights that cut across all actions, decisions and other matters affecting a child. These are the right to non-discrimination (article 2); the best interests of the child (article 3); the right to life, survival and development (article 6); and the right of the child to express and have his or her views heard and taken into

account (article 12). These principles need to be considered in all actions to address and prevent child trafficking and to assist children who have been trafficked.

UNICEF IRC studies on child trafficking have shown that even initiatives designed and implemented with the best intentions to protect children can inadvertently expose them to risks and violate their rights. Adopting a human rights-based approach to child protection, including full implementation of the general principles



of the Convention on the Rights of the Child, will help protect children from harm caused by initiatives that aim to protect them.

### Law and policy

#### **Ratification of key international legal instruments by all countries**

Countries should ratify all international legal instruments aimed at addressing and preventing child trafficking.

Particularly important is ratification of the 'Palermo Protocol', which none of the countries in the region has yet ratified. Attention should also be given to the regional mechanisms for child protection. The scope of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution should be broadened to include all forms of exploitation, and effective implementation should be ensured.

#### **Amendment of existing laws and enactment of new laws**

Existing laws need to be revised and amended and new laws enacted to conform to international standards and address trafficking within a human rights framework. This includes recognition of both internal and cross-border trafficking, inclusion of boys in trafficking law, attention to the different concerns of women and children, and expansion of anti-trafficking legislation to include all forms of exploitation. Measures should be taken to ensure that a trafficked child is never criminalized and that people's migration is not jeopardized. Legislation should further provide for assistance and protection for victims of trafficking, including medical, psychosocial, legal and other kinds of rehabilitation assistance; victim/witness protection; children's participation, including in legal and administrative procedures; and specific measures to ensure the empowerment and protection of children who have been trafficked. Children need to be protected by law from secondary victimization and from prosecution or sanctions for offences they committed in relation to their situation as victims of trafficking.

#### **Regional harmonization of trafficking laws**

National laws need to be harmonized to ensure protection for victims of cross-border trafficking, who may fall under the legal purview of two or more nations. It is particularly important to ensure harmonization among the definitions of trafficking, the legal definition of the child, the possibility of obtaining compensation for harm suffered by trafficking victims and repatriation measures.

#### **Clarification and regional agreement on the child's legal age of majority and other age limits defining a child in relevant contexts**

Clear age limits and agreements on the legal age of majority will allow for standardized approaches by stakeholders, particularly police and courts, to safeguard children's rights, address children's needs and respect the child's ability to make informed decisions.

#### **Development and implementation of national plans of action**

Some countries in South Asia have not yet developed NPAs addressing child trafficking (as part of an action plan on children, or where necessary, as a separate action plan). In some cases, existing NPAs need to be



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revised, to aid clarity, comprehensiveness and coordination with other national planning processes. Active political support is necessary to mobilize resources, implement programmes and interventions, and monitor effectiveness and the impact on children.

### **Establishment of national strategies for collaboration among all actors**

Implementing national plans of action requires the development of time-bound strategies that specify precise actions and funding requirements, and that clarify the areas of intervention and modes of support of all partners, including government, non-governmental organizations, international organizations and children. Cooperation among stakeholders with a clearly defined division of responsibilities is crucial.

### **National and regional child protection systems**

#### **Development of national protection systems**

Protection systems framed by children's rights should be developed or strengthened and made operational at national and community levels. Child protection systems need sufficient resources to undertake a wide range of preventive and responsive measures to address child trafficking, violence, exploitation and abuse. These measures include empowering children and youth; raising awareness; providing child-friendly legal, medical and psychosocial services; training service providers; and developing data-collection tools to monitor the prevalence of child trafficking. A systemic approach is necessary to recognize linkages between violence, abuse, exploitation and trafficking and to address the root causes of child protection issues.

#### **Multisectoral collaboration and administration of child protection activities**

Guided by the Convention on the Rights of the Child, collaboration against child trafficking should be promoted to enable comprehensive initiatives to address child trafficking. Such collaboration should include all relevant stakeholders: All relevant departments and community members, including law enforcement agencies; social, medical and psychosocial service providers; and legal councillors. This can be facilitated by national and state guidelines and protocols, and by coordinating structures at all levels. National memoranda of understanding can clarify and expedite coordination between social welfare, justice, health, education and other sectors, as well as collaboration between government and non-governmental organizations.

#### **International harmonization of child protection activities**

Bilateral and multilateral agreements and plans of action need to be developed to strengthen cross-border

activities, including identification of child victims, family tracing, repatriation documentation and cross-border transfer protocols. National focal points in each country need to be identified and strengthened to ensure consistent, reliable collaboration over cross-border anti-trafficking activities.

### **Children's involvement in trafficking policies and measures**

Children should be recognized as social agents with the right to express their opinions freely and have them taken into account; and to seek, receive and impart information. Children should have the opportunity to influence social policies and measures that prevent and address trafficking. Children's own actions to prevent trafficking need to be encouraged and supported, as they are experts on their own situation. Mobilizing children and young people requires child-friendly and age-specific information available in local languages, as well as life skills education, including on sexuality, HIV and AIDS. Policies and measures that are informed by the actual experiences of children are proven to be more effective in addressing their concerns and risks. Child-friendly structures, including decision-making systems, are also needed to enable action based on what children report and suggest.

### **Victim identification and child-friendly reporting**

It is important to establish a uniform system to identify children who have been subject to abuse and exploitation, whether as a result of trafficking or otherwise. The issue of identification must be addressed not only by government authorities but also by civil society organizations working with children. However, quality services should be available and accessible to all children, independent of identification. Services should respond to children's rights and individual needs. Reporting mechanisms should be developed or strengthened for use by children and families in situations of trafficking, violence, exploitation or abuse (or when they face the risk of such situations). This should include establishing telephone help lines and community-based outreach services for children.

### **Training of professionals**

Children can be better protected if there is broad awareness of child trafficking. Professionals working with and for children should be screened and trained to ensure they fully respect children's rights and that they commit to protect trafficked children from risk when they speak out about abuse and exploitation. Capacity-building should include information on child development, protection and participation. Attention is needed to support children's mental health and to address social factors, including capacity-building on life skills.

### Child-friendly judicial processes

Judicial proceedings should be refined to include formal witness protection procedures, ensure the psychological well-being and privacy of the child through in camera proceedings, provide adequate protection and compensation to victims, and expedite prolonged legal processes through fast-track child-friendly courts and the use of video testimony. Children should be informed about their rights and have access to legal support and other services. They should also be given the opportunity to participate in developing reintegration programmes.

### Child-focused, non-discriminatory practices

Non-discrimination is a fundamental principle in human rights law. It is included in the Convention on the Rights of the Child and is a critical dimension in the development of laws, policies and programmes for children. Many trafficked children experience discrimination, which is also a root cause of trafficking. Measures

should be taken to address discriminatory laws and policies and to ensure equitable access to quality services for national and non-national children, including those who are undocumented. The Convention protects not only children who are citizens of a State party but all children under the jurisdiction of the State, irrespective of children's nationality and of whether or not they have been trafficked. General Comment No. 6 on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin, issued by the Committee on the Rights of the Child in 2005, stresses that states should not discriminate against migrant children and should ensure their right to maintain their cultural identity and values, which includes maintaining and developing their native language. Furthermore, child-friendly information and services must be provided that reflect children's diversities, such as gender, age, ethnicity, national origin, caste, religion, sexual orientation and ability status. Awareness of discrimination and the



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capacity to challenge it should be provided to all stakeholders, including fathers and mothers, the media and professionals working with and for children, as well as to the girls and boys themselves.

### **Minimum standards of care, protection and reintegration**

Countries should establish national systems of psychosocial care, starting with development of minimum standards of care, protection and reintegration. Each country needs to develop rules for the registration, inspection and regulation of care facilities, and technical guidelines and protocols for practice. To ensure uniform quality of care for children trafficked across borders, minimum standards should be harmonized across the region.

Children who have been trafficked need long-term support. Activities for their care, protection and reintegration need to be carried out within a holistic framework. Attention should be paid to strengthening reintegration practices, ensuring children's safety and developing community-based care options. As repatriation may not always be in the best interests of the child, each case needs to be assessed individually, taking into consideration the views of the child. Close contact with and support to the child's family are needed to ensure that the child is adequately protected when he or she returns home. The factors inducing family members to sell or traffic their children – such as lack of livelihood options, lack of awareness or knowledge about risks, and prevailing social norms – need to be addressed. Awareness-raising on human rights and public discussions encouraging women, men and children to share their opinions and experiences on the harm caused by child trafficking can help facilitate changes in social norms and practices that put children at risk of trafficking. They can also influence other communities to have similar conversations.

### **Building national human resources for caregiving**

With support from educational institutions and international partners, governments need to identify human resource needs, develop plans and provide support for building caregiving human resources, particularly social workers. Professionals working with children should be trained to safeguard children's rights and to avoid the risk of further victimizing children when they speak about their experiences. National capacity-building initiatives on counselling may be necessary.

### **Monitoring and evaluating national child protection systems, with children's involvement**

Monitoring tools and procedures need to be developed for protection systems at national and community levels. Child protection systems and practices need to be regularly monitored and evaluated. Children should be encouraged to participate in developing monitoring and

evaluation practices, and national independent institutions on children (such as an ombudsperson or children's commissioner) should be created to promote the safeguard of children's rights and the consideration of opportunities to seek children's views.

### **Research, data collection and information-sharing**

Mechanisms for the systematic collection, analysis and dissemination of data on trafficking, abuse, migration and disappearances of children and adolescents are urgently needed. Such systems also need to cover traffickers. More research is needed on how new technologies such as the Internet and mobile phone are being used to facilitate child trafficking.

Data should be disaggregated by age, gender, national origin and type of exploitation. In addition, data should be collected on specific vulnerability factors, including the social background of victims and the modus operandi of traffickers. Standard indicators need to be developed to enhance data comparisons internationally and to facilitate long-term monitoring of progress. A system is needed to enable routine sharing of research, good practices and experience among stakeholders at national and international levels, including law enforcement officials and social service actors. Research is needed to fill gaps in knowledge, such as the links between child trafficking and migration, domestic abuse, neglect and violence.

## **Programming**

### **Enhancing children's rights-based concepts and strategies in programming**

Stakeholders need to be sensitized on children's rights-based concepts in anti-trafficking programming. Procedures need to be clarified, harmonized and shared with stakeholders throughout the region.

### **Awareness-raising and advocacy**

Awareness-raising and advocacy activities are needed on the risks of trafficking, as well as on legal and policy measures to combat its occurrence. Advocacy by and with children should be strengthened to reach specific target audiences more effectively, focusing on positive messages. Baseline and follow-up assessments of awareness should be conducted to determine changes of attitudes and perceptions.

### **Prevention**

Prevention initiatives must address the root causes of trafficking and the factors that place children at risk, such as social and economic marginalization, institutional and home-based discrimination, violence and abuse. A preventive approach should address both the 'demand' and 'supply' sides of child labour and sexual exploitation.

Promoting safe and regulated livelihood opportunities, especially in the most vulnerable communities, should be an important component of prevention. Working with boys and men is crucial to addressing gender-based violence and sexual exploitation. Effective prevention measures require the active participation of children and young people in matters that concern them. They also involve promoting an understanding of children's rights and raising awareness of the risks they may face. They provide opportunities for children and adolescents to gain the skills and confidence to make informed decisions and to assume a responsible role in society.

### **Community mobilization**

Community mobilization is essential for both prevention and reintegration and to ensure the sustainability of programmes. Community mobilization and awareness-raising on child rights, risk factors and support services have proved to be important tools to empower a community to assert the rights of children and women and to prevent child exploitation and abuse, including trafficking. Commitment and pressure from inside the community can challenge harmful social norms. In communities that feel strongly responsible for safeguarding children's rights, it is more difficult for traffickers to operate and for community members to keep child trafficking hidden.

Community-based organizations and networks play an important role in monitoring for crime prevention, reporting traffickers and supporting victim identification, assistance and reintegration. Communities should establish reintegration committees, with representatives from the various stakeholder groups, including children. Fathers and mothers can be strengthened with information and skills on all aspects of child rights, such as parenting, gender socialization and child development, protection and participation. The links between violence in the home and child trafficking need to be further addressed.

### **Care, protection and reintegration**

Activities for care, protection and reintegration need to be brought together in a holistic framework with cooperation from all sectors, institutions and professionals. The quality of care, protection and reintegration practices should be regulated through child-friendly national minimum standards. These services should be strengthened through caregiver training and capacity-building for a wide spectrum of care and protection services. Reintegration practices need strengthening, including mechanisms to ensure the child's safety and the development of community-based care options. As repatriation may not always be in the best interests of the child, each case needs to be assessed individually.

### **Involvement of children and young people in programming**

Participatory mechanisms need to be developed and stakeholders trained to ensure the involvement of children and young people in programming and policy development. Programming should be based on children's specific needs and take into account children's views, as well as the needs and views of caregivers and field personnel who work directly with children. Child-friendly information and life skills education are essential for mobilizing children and young people. Children and young people can play an important role in developing preventive programmes and monitoring their effectiveness, as well as in decision-making structures and processes. Children and adults can work together to determine how to consult with and involve children in these initiatives.

### **Monitoring and evaluation**

Governments, non-governmental organizations and international partners should develop mechanisms to ensure that programmes are properly and routinely monitored and evaluated, and that the findings result in adjustments to the programme design and implementation. Evaluation criteria should include human rights-based practices and mechanisms and an assessment of the impact on children.

### **International collaboration in programming**

Collaboration is needed among the countries of South Asia to enhance prevention, care and protection practices. The countries need structures to exchange expertise and information about trafficking, and to co-ordinate technical meetings involving all stakeholders. It is also important to reach and collaborate with actors such as faith-based organisations, the media and the private sector.

# NOTES

## Main text

- 1 'Regional Consultation on Violence against Children in South Asia, Islamabad, Pakistan, 19-21 May 2005', UNICEF Regional Office for South Asia, Kathmandu, 2005, pp. 25, 233.
- 2 Sanghera, Jyoti, *Risks and Rights: Migration, trafficking of women and girls and their vulnerability to HIV/AIDS in South Asia*, United Nations Development Fund, New Delhi, 2001.
- 3 ECPAT, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Sri Lanka*, ECPAT, Bangkok, 2006, p. 15.
- 4 Convention on the Rights of the Child (1989); Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000); Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention on Transnational Organized Crime (the 'Palermo Protocol'; 2000); and Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ('Worst Forms of Child Labour Convention'; 1999). These international standards are supplemented by regional standards on trafficking and by non-binding international recommendations, principles and guidelines.
- 5 The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (also known as the 'SAARC Convention on Trafficking') was adopted by the Governments of Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka in January 2002. Afghanistan became the eighth member of SAARC in 2007. The convention is the first regional treaty to deal specifically with trafficking. Article 2 of the convention stipulates that its purpose is to promote cooperation in order to prevent, interdict and suppress the trafficking of women and children; to repatriate and rehabilitate victims of trafficking; and to prevent the use of women and children in international prostitution networks, particularly where the countries in the region are the countries of origin, transit or destination. The convention provides a list of state obligations concerning prevention and prosecution of trafficking and protection of victims of trafficking. It defines 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". Prostitution is defined as "the sexual exploitation or abuse of persons for commercial purposes." The convention also 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."
- 6 See Section 2 of Pakistan's Prevention and Control of Human Trafficking Ordinance, 2002.
- 7 Afghanistan and the Maldives do not have laws against human trafficking and child trafficking. However, the Government of Afghanistan recognizes that trafficking is occurring and has developed action plans to address the issue. The Penal Code includes provisions that address trafficking-related acts such as kidnapping, sexual assault, child labour and child endangerment.
- 8 See UNICEF Innocenti Research Centre: *South Asia in Action: Preventing and responding to child trafficking: Analysis of anti-trafficking initiatives in Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka*, UNICEF Innocenti Research Centre, Florence, forthcoming in 2008.
- 9 Examples are Afghanistan, Bangladesh, Pakistan and Sri Lanka. For a more detailed discussion of the national legal framework, please see UNICEF Innocenti Research Centre: *South Asia in Action: Preventing and responding to child trafficking: Analysis of anti-trafficking initiatives*, op. cit.
- 10 Examples are Afghanistan, Bangladesh and Pakistan. For a more detailed discussion of the national legal framework, please see UNICEF Innocenti Research Centre: *South Asia in Action: Preventing and responding to child trafficking: Analysis of anti-trafficking initiative*, op. cit.
- 11 Bhutan and the Maldives have not yet developed national plans of action on trafficking.
- 12 Government of Bangladesh, Bangladesh National Plan of Action for Children 2004-2009, Ministry of Women and Children Affairs, Government of Bangladesh, Dhaka, p. vii.
- 13 Kathmandu School of Law, Terre des Hommes and the European Commission, *Regional Study for the Harmonization of Anti-Trafficking Legal Framework in India, Bangladesh and Nepal with International Standards*, DDH/2004/089/105, Kathmandu School of Law in cooperation with TDH Consortium SALS Forum, Bhaktapur (Nepal), 2007, p. 5. Available at <[www.un.org.np/reports/TDH/2007/2007-08-23-report-TDH-KSL-EU-RegStudy-Antitrafficking-Overview.pdf](http://www.un.org.np/reports/TDH/2007/2007-08-23-report-TDH-KSL-EU-RegStudy-Antitrafficking-Overview.pdf)>.
- 14 This is also sometimes referred to as "the vulnerability paradigm". See IPEC Trafficking in Children-South Asia (TICSA), Frederick, J. (ed.); *Creating a Healing Environment Vol. 2: Technical Papers*, International Labour Office, Kathmandu, 2002, pp. 69-103, quoting Bautista, V., A. Roldan, and M. Garces-Bacsal,, 'Working with Abused Children: From the Lenses of Resilience and Contextualization', University of the Philippines Center for Integrative and Development Studies (UP-CIDS) and Save the Children Sweden, Quezon City, Philippines, 2001.
- 15 The Youth Partnership Project involves collaboration between ECPAT International and various non-governmental organizations: Aparajeyo in Bangladesh. Sanlaap in India and Maiti in Nepal. Children and staff of the three countries regularly visit one another to facilitate sharing of experiences. ECPAT, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Bangladesh*, ECPAT, Bangkok, 2006, p. 20.

## Box 2.1

- 1 Goa Children's Act, 2003, section 2(z). The legal age of majority is 18, defined in section 2(d).
- 2 Goa Children's Act, 2003, sections 3 (1), 3 (6), 8 (12), 9 (4).
- 3 Goa Children's Act, 2003, sections 2 (y) i, 2(y) ii and 2(y) iii.
- 4 Goa Children's Act, 2003, sections 8 (10(a) and (d)).
- 5 The traditional Hindu religious practice in which girls are 'married' to a god (deity) has become associated with commercial sexual exploitation, with evidence that many girls end up in situations of sexual exploitation through prostitution after their initiation as *devadasis*. The practice of dedicating *devadasis* is illegal in many Indian states, including in the State of Goa (Goa Children's Act, 2003, sections 9 (6) and 9 (7)).

- 6 Section 38 of the Evidence Act 1974; cited in Pradhan-Malla, S., *Report on Laws and Legal Procedures concerning the Commercial Sexual Exploitation of Children in Nepal*, ECPAT and Plan International, Bangkok, 2004, p. 38.
- 7 Rule 46(b) of District Court Regulation, 1995; rule 60(a) of Appellate Court Regulation, 1991; and rule 67(a) of Supreme Court Regulation, 1992; cited in *Report on Laws and Legal Procedures concerning the Commercial Sexual Exploitation of Children in Nepal*, op. cit., pp. 37-39.
- 8 Committee on the Rights of the Child, Thirty-Ninth Session, 'Consideration of Reports Submitted by State Parties under Article 44 of the Convention: Concluding observations', Nepal, CRC/C/15/Add.261, 21 September 2005. See also, *Report on Laws and Legal Procedures concerning the Commercial Sexual Exploitation of Children in Nepal*, op. cit., pp. 39-40.

### Box 2.2

- 1 This box is a contribution from UNICEF Bhutan, July 2008.

### Box 3.1

- 1 This box is a contribution from UNICEF Maldives, July 2008.
- 2 ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes), *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children, Sri Lanka*, ECPAT, Bangkok, 2006, p. 18.

### Box 3.2

- 1 A Children's Manifesto for Afghanistan, 20 November 2004, available at <[www.unicef.org/media/files/ChildrensManifestofinal.pdf](http://www.unicef.org/media/files/ChildrensManifestofinal.pdf)>.
- 2 UNICEF, 'New Afghan Leadership Urged to Put Children First', Press release, UNICEF, New York, 18 November 2004, available at <[www.unicef.org/media/media\\_24157.html](http://www.unicef.org/media/media_24157.html)>.
- 3 ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes), *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Pakistan*, ECPAT, Bangkok, 2006, pp. 16-17.

### Box 3.3

- 1 This box is based on Paul, Diane, 'Children Involved in Camel Racing in the UAE: Project review' (internal document), UNICEF Bangladesh, 2006; and interviews with Farzana Ahmad, UNICEF, Bangladesh. The information is complemented by interviews with staff members from UNICEF, the Bangladesh National Women Lawyers' Association (BNWLA), and community members in Comilla District, Bangladesh.
- 2 In May 2005, representatives from the Government of Bangladesh, UNICEF Bangladesh, the UNICEF Innocenti Research Centre in Florence and the Bangladesh chapter of Action against Trafficking and Sexual Exploitation of Children attended a meeting in Abu Dhabi along with representatives of several other countries. The purpose was to discuss the situation of children involved in camel racing and agree upon a plan of action to address and prevent this form of exploitation.

- 3 UNICEF, 'Children Previously Involved in Camel Racing in the UAE: Project review 2006 (final draft)', UNICEF, 2006. The information is complemented by interviews with staff members from UNICEF, the Bangladesh National Women Lawyers' Association and community members in Comilla District, Bangladesh.
- 4 This box was written by John Frederick, child protection specialist, June 2008.
- 5 UNICEF Bangladesh and Regional Office for South Asia, 'Joint Plan of Action for the Rescue, Recovery, Repatriation and Integration of Child Victims of Trafficking between Bangladesh and India, 2007-2010' (draft), UNICEF, Kathmandu, 2007.

### Box 4.1

- 1 The network includes representatives from ministries, district police and other authorities, and rural development institutions, as well as from youth groups and UNICEF. This example is based on information from Sudha Murali, UNICEF Hyderabad, India, and is complemented by information from interviews with Sudha Murali and project field workers in October 2006.
- 2 This box is based on the UNICEF Para-Legal Committees in Nepal Information Kit. The material was complemented by information from an October 2006 interview with Bhanu Pattak, UNICEF Nepal, as well as by internal documents from the UNICEF Nepal country office.

### Box 4.2

- 1 This box was written by John Frederick, child protection specialist, June 2008.
- 2 Chatterjee, R., Sanlaap, personal communication, 2007.
- 3 Based on communication with Youssef El Barodi, Child Protection Adviser, UNICEF Regional Office for South Asia, June 2008.
- 4 Frederick, J., 'Human Resources Development for the Care of the Sexually Abused and Sexually Exploited: A resource document on training programmes', in Frederick, J. (ed.), *Creating a Healing Environment, Vol. 2: Technical Papers*, International Labour Office, Kathmandu, 2002, pp. 112, 119-122, 229; and communication with Youssef El Barodi, Child Protection Adviser, UNICEF Regional Office for South Asia, June 2008.

### Box 4.3

- 1 National Plan of Action for Children 2005, India, pp. 43-45, available at <<http://wcd.nic.in/>> (document is located on the Child Welfare webpage).
- 2 Youth Partnership Project for Child Survivors of Commercial Sexual Exploitation of Children in South Asia, available at <[www.yppsa.org](http://www.yppsa.org)>; and information from ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) on the project, and ECPAT, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Bangladesh*, 2006, ECPAT, Bangkok, p. 20, available at <[www.childtrafficking.com/Docs/ecpat\\_bangladesh\\_0870.pdf](http://www.childtrafficking.com/Docs/ecpat_bangladesh_0870.pdf)>.
- 3 ECPAT, *Global Monitoring Report, Bangladesh*, op. cit., p. 20.

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