



# Global Monitoring

status of action against commercial sexual exploitation of children

## BANGLADESH



**2<sup>nd</sup> EDITION**

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# GLOSSARY OF TERMS AND ACRONYMS

- **ATSEC:** Action Against Trafficking and Sexual Exploitation of Children (Bangladesh)
- **AIDS:** Acquired Immune Deficiency Syndrome
- **BIDS:** Bangladesh Institute of Development Studies
- **BPL:** Below Poverty Line
- **BSAF:** Bangladesh Shishu Adhikar (Child Rights) Forum
- **BNWLA:** Bangladesh National Woman Lawyers' Association
- **Code of Conduct:** A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation
- **CRC:** United Nations Convention on the Rights of the Child
- **CSEC:** The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.
- **CST:** Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.
- **CWCS:** Centre for Women and Children Studies
- **DSS:** Department of Social Services
- **ECPAT:** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
- **HIV:** Human immunodeficiency virus
- **ILO:** International Labour Organization
- **INCIDIN:** Integrated Community and Industrial Development Initiatives (Bangladesh)
- **IOM:** International Organization for Migration
- **MICS:** Multiple Indicator Cluster Survey
- **MoHA:** Ministry of Home Affairs
- **MoWCA:** Ministry of Women and Child Affairs
- **MoU:** Memorandum of Understanding
- **NGO:** Non-governmental organization
- **NPA:** National Plan of Action
- **NHRC:** National Human Rights Commission
- **OCC:** One-Stop Crisis Centres
- **SAMF:** South Asia Mobile Forum
- **SITA:** Suppression of Immoral Traffic Act
- **STD:** Sexually transmitted disease
- **SVWCA:** Suppression of Violence against Women and Children Act
- **TDHIF:** Terre des Hommes International Federation
- **UN:** United Nations
- **UNDP:** United Nations Development Programme
- **UNFPA:** United Nations Fund for Population Activities
- **UNICEF:** United Nations Children's Fund
- **UNIFEM:** United Nations Development Fund for Women
- **UNODC:** United Nations Office on Drugs and Crime
- **USAID:** United States Agency for International Development
- **WTO:** World Tourism Organization

# FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children.

We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake  
Executive Director, ECPAT International

# METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2<sup>nd</sup> Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2<sup>nd</sup> Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2<sup>nd</sup> Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see [www.ecpat.net](http://www.ecpat.net) for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.



# BANGLADESH

## INTRODUCTION

Since its independence from Pakistan in 1971, Bangladesh's democracy has been characterized by rivalry between two major parties. In January 2009, after two years of emergency rule, a coalition government led by the *Awami League* took office as a result of national elections.<sup>1</sup> The government's human rights record improved due to the return of a democratically elected government and the repeal of the state of emergency.<sup>2</sup> Despite problems related to weak governance, Bangladesh has made good progress over the last decade in reducing poverty and in key human development indicators. However, the country has yet to overcome many challenges. It is still one of the poorest in the world, with about 40 per cent of the population living below the poverty line and 33 per cent in absolute poverty.<sup>3</sup> The 2009 Human Development Indicator (HDI) for Bangladesh is 0.543, which gives the country a rank of 146th out of 182 countries.<sup>4</sup> Economic growth has not benefited equally all citizens. Unemployment remains pervasive. Inequality between the country's regions, genders and socioeconomic groups remains a significant challenge.<sup>5</sup>

Surrounded by India, Bangladesh is a low-lying land traversed by the deltas of large rivers flowing from the Himalayas.<sup>6</sup> With a population of 156 million, Bangladesh is one of the most densely populated countries

in the world. The growth rate has declined, but the population is still expected to rise to 181 million people by 2015.<sup>7</sup> Bangladesh is vulnerable to the effects of natural disasters. Tropical monsoons, frequent floods and cyclones inflict heavy damage and displace thousands of people every year.

The civil and governmental challenges and the geographical features of Bangladesh have had a strong impact on the well-being of children. Over a third of the population (almost 60 million) is under the age of 18.<sup>8</sup> Half of them live below the national poverty line: 60% below 1 USD per day.<sup>9</sup> Poverty remains the single most influential factor for the degraded state of children in Bangladesh. A large number of children do not have access to basic services, such as health and nutrition, education, water and sanitation. Child malnutrition in Bangladesh is one of the highest in the world.<sup>10</sup> More than half a million children are estimated to live on the streets.<sup>11</sup> This number is rapidly growing and is expected to double by 2020.<sup>12</sup> These children are particularly vulnerable to abuse, trafficking and to contact with sexually transmitted diseases (STDs) and HIV/AIDS. Children's protective safety nets are also affected by the absence of one or more parents who are working abroad, particularly in India, Malaysia and the Gulf states.<sup>13</sup> The vulnerability of children separated from



their families is worsened by their lack of legal identity, for nearly half of Bangladesh's children lack birth registration, though this figure has dropped drastically in recent years.<sup>14</sup>

Bangladesh has one of the highest rates of illiteracy in the world, and children, especially girls, often drop out of primary school.<sup>15</sup> Increasing child labour is a core problem in Bangladesh. Almost seven million children between five and 14 years old have to work to help their families survive.<sup>16</sup> Evidence has been recently gathered of unpaid wages, restriction of movement, severely unhygienic and hazardous conditions, and various forms of coercion for children working in Bangladesh.<sup>17</sup> A recent UNICEF study on the commercial sexual exploitation of children in Bangladesh found that half of the children surveyed were initially involved in child labour.<sup>18</sup>

Children in Bangladesh face discrimination and various forms of abuse and exploitation. Violence against children is common and takes different forms: physical abuse, molestation, acid throwing, trafficking and sexual abuse including rape and various kinds of sexual exploitation for commercial purposes.<sup>19</sup> A number of beliefs and practices that are harmful for children in general and highly gender discriminatory continue to be practiced. Child marriage is a major problem, especially for girls.<sup>20</sup> Child abandonment, kidnapping, and trafficking are other widespread problems.<sup>21</sup> Sexual abuse and the exploitation of children and adolescents is a significant issue but remains largely under reported due to the stigma attached to the victims of such offences. There is a tendency in Bangladesh to blame victims rather than accuse perpetrators, and the cultural preference is to cover up the problem rather

than risk exposure by seeking justice. Stigma can be extreme, sometimes resulting in social exclusion and preventing the marriage of daughters. If the perpetrator is a person with local economic power or a person of influence in the community, exposure can affect the family's already insecure income, and the family may put itself at risk of reprisal.<sup>22</sup>

Trafficking of children both within and across international borders is a particularly serious concern. Many children are trafficked with their parents' consent, having been lured by stories of well-paid jobs or marriages.<sup>23</sup> Children of sex workers, orphans and other ostracized groups of children are especially vulnerable to sexual exploitation. A UNICEF survey found the average age at which surveyed children first became involved in commercial sexual exploitation was 13 years.<sup>24</sup> Moreover, the lack of effective birth registration can facilitate child marriage and over-reporting of age, which also leads to the sexual exploitation of children.

In spite of some government efforts in the realms of prevention, protection, rescue and rehabilitation and the adoption of a National Plan for Action against Sexual Abuse and Exploitation of Children including Trafficking in 2002, there is still insufficient progress addressing various manifestations of the commercial sexual exploitation of children. The social and cultural practices, patriarchal structures of society, inadequate legal and administrative framework, non-enforcement of existing laws, widespread corruption, insufficient awareness, difficulties in estimating the age of the child, lack of coordination between border police and neighbouring countries are the main contributors to the persistence of CSEC in Bangladesh.

## Child prostitution

There is no reliable information on the number of children exploited through prostitution in Bangladesh. The U.S. Department of State's *Country Report on Human Rights Practices* estimates that in 2008, 10,000 children were victims of commercial sexual exploitation in brothels across the country.<sup>25</sup> Other estimates from previous years placed the figure as high as 29,000.<sup>26</sup> The majority of Bangladeshi children exploited for prostitution are based in brothels, with a smaller number of children exploited in hotel rooms, parks, railway, bus stations and rented flats. The government rarely prosecutes procurers of children or client exploiters.<sup>27</sup> Female prostitution is legal in Bangladesh, while male prostitution is illegal. This leads to girls primarily exploited in brothels, with authorities often disregarding the minimum age of 18, often supported by false age declarations.<sup>28</sup>

### Second generation of sexually exploited children

Many of the young girls exploited in brothels are 'second-generation', born to a prostitute and an unknown client. More than 20,000 children are born and live in the registered red-light areas of Bangladesh.<sup>29</sup> Children who grow up in the brothel environment are at the highest risk of sexual exploitation. These children often suffer social stigma and are unable to join communities of children. This prejudice also often prevents them from building careers outside the sex industry.<sup>30</sup> Many of them even struggle to access education. Children born here live everyday life while their mothers are exploited and ultimately they face the same exploitation. Small children are often engaged in housework or serving food and drinks to their mothers' customers. Boys often end up working as "pimps" and girls are pressured into engagement in prostitution.<sup>31</sup> There have even been reports of women in brothels forcibly impregnated. Their daughters are raised to be exploited in prostitution in slavery-like conditions.<sup>32</sup>

Age, migration status, experience of sexual abuse and family crisis are some of the most influential factors, which, in conjunction with poverty, create greater vulnerability for children to sexual exploitation.<sup>33</sup> The migration-based urbanisation process works to expand both supply and demand of sexually exploited children, in urban centres.<sup>34</sup>

Most of them come from poor, single-parent families and have little education. Research also indicates clear linkages between previous sexual abuse in the home, subsequent sexual abuse in street and working situations, and eventual sexual exploitation.<sup>35</sup>

### Prostitution of Boys in Bangladesh

A hidden but prevalent issue in Bangladesh, as in other South Asian countries, is the exploitation of boys for prostitution. Boys living on the street, migrant boys and boys working as child labourers face the highest risk of sexual exploitation. Many of the children living and working on the street in urban areas may engage in periodic "survival sex", exchanging sexual favours in return for food, shelter, protection and money. Boys enter prostitution at around 11 to 12 years of age.<sup>36</sup> In a research covering boys exploited in prostitution, one third of the respondents stated that they had lost one or both parents.<sup>37</sup> Considering the large number of boys separated from their families, many boys in Dhaka and other urban areas are left vulnerable to becoming victims of sexual exploitation.<sup>38</sup> When

asked the reasons, 80 percent of the exploited boys said they did it out of economic necessity.<sup>39</sup> Their exploiters are primarily males aged 30 to 50, coming from all occupations.<sup>40</sup> These “clients” often do not pay outright for sex, but induce the boys with clothing, food and job offers. The vulnerability of these boys is increasing with expanded demand for commercial sex by males that have sex with males (MSMs).<sup>41</sup>

An ECPAT International report on the situation of prostitution of boys in Bangladesh, *The Boys and the Bullies*, concluded that social, economic, moral and institutional systems fail to protect boys engaged in street-based activities from the vulnerability of sexual exploitation.<sup>42</sup> Moreover, these boys do not even have effective access to government and NGO health facilities, as a result of stigma and hostile attitudes of health practitioners towards homosexuality.<sup>43</sup>

### The use of cattle steroids

A recent study by Action Aid has found that up to 90 per cent of young girls enslaved in the many massive brothels across Bangladesh are taking Oradexon, a steroid originally developed by the livestock industry to force cattle to produce more fleshy tissue. In Bangladesh, the drug is cheap and widely available. Oradexon is now being used routinely in brothels throughout Bangladesh to make the girls look older and more attractive to “clients”. Pimps and brothel owners force children to take Oradexon also to make it harder for police to identify children in the brothels. Pimps are able to get girls who are as young as 12 or 13 – many of them trafficking victims - and make them look much older. The drug is also highly addictive, which increases the girls’ dependency on those exploiting them. Long-term use impairs the kidneys, increases blood pressure, interferes with normal hormone production, and causes widespread swelling throughout the body. Action Aid has started a campaign in brothels in Bangladesh to raise awareness of the dangers of this drug and help the women addicted to it.<sup>44</sup>

### Child trafficking

Bangladesh is a source and transit country for women and children subjected to trafficking for forced prostitution. Given the organised and clandestine nature of the crime and usual reluctance of the victim’s family to report cases of trafficking, there is no reliable estimate of the number of women and children who have been trafficked from Bangladesh.<sup>45</sup> Various studies reveal that over 1 million women and children have been trafficked out of the country in the last 30 years.<sup>46</sup> A UNICEF report found that approximately 400 women and children in Bangladesh are victims of trafficking each month.<sup>47</sup> Most of them end up in prostitution houses in other countries, especially India and Pakistan.<sup>48</sup> Trafficking in children and women takes place by a variety of means. Some children are sold into bondage by their parents, while others are induced into commercial sexual exploitation through promises of jobs or marriages and, in some cases, by physical coercion. Children – both boys and girls – are also trafficked within Bangladesh for commercial sexual exploitation. Despite structures such as the anti-trafficking monitoring agency in the Ministry of Home Affairs, trafficking in children for sexual purposes is one of the major concerns for Bangladesh.

Bangladesh faces both internal and cross-border trafficking. In the case of internal trafficking, women and children are often taken away from their homes through abduction, and false promises of jobs and marriage by traffickers who in turn sell them to brothels.<sup>49</sup> Young women and girls

are often sold by step-parents, relatives or husbands. The victims are then traded for prostitution, forced marriage, pornography and sex tourism.<sup>50</sup> Child victims of internal trafficking are mainly from rural areas with minimal survival options who are lured with promises of a better life in cities.<sup>51</sup>

## Families and relatives are often involved in the trafficking of children

Child victims of trafficking are sometimes handed over by parents or sold by neighbours and relatives.<sup>52</sup> Many agents are local people familiar with their targets. They recruit in the lean period before harvest or seek out families with financial difficulties. Once the children are in the hands of procurers, they are controlled through threats of violence and total confinement. Girls who try to escape are severely beaten or tortured. A 2010 report by the Centre for Women and Children Studies found that half of the women and girl victims of trafficking were tortured, raped and physically confined to prevent them from escaping. The study also found that neighbours, relatives (including husbands), unemployed local youths, friends, co-workers, lovers, recruiting agents and vehicle drivers were involved in the trafficking process.<sup>53</sup>

A May 2010 *Al Jazeera* report shows that children as young as 12 are sold for prostitution by their families, sometimes even by their own mothers - some for as little as \$200.<sup>54</sup> Some are sold to work off a family debt; others have nowhere else to go and become indebted to the brothel for their food and housing.<sup>55</sup> An April 2010 investigation by the Guardian found girls as young as 12 in the brothel of Faridpur in central Bangladesh. They have intercourse with four or five different men per day, for the price of around 100 taka (2 USD) per "client." Most of the girls in the brothels are *chukri*, or bonded children, sold by their families to a brothel owner, which for two or three years will keep all the money the "clients" pay. These bonded children are most at risk of HIV/AIDS infection because the brothel owners often agree to let men pay more for not using a condom.<sup>56</sup>

In term of cross-border child trafficking, a major route in South Asia is from Bangladesh to India and Pakistan.<sup>57</sup> Cross border trafficking to India is prevalent due to geographical and socio-economic conditions. Bangladesh shares over 4,000 km border with India, most of which is marked by a river. Thirty of its 64 districts lie on the Indian border.<sup>58</sup> The border with India is loosely controlled, especially around Jessore and Benapole. Jessore, Satkhira, Mymensingh and Dhaka are the major source areas, while there are as many as 20 transit districts bordering India used for trafficking women and children.<sup>59</sup> The Indo-Bangladesh international border at Khojadanga in West Bengal is the major receiving area in India.<sup>60</sup> Girls as young as seven years are

trafficked to the major prostitution centres of Mumbai, Calcutta, and Delhi. Networks of traffickers, mostly Pakistani and Indians, but Bangladeshis as well, have been able to build up powerful bases in the border districts of India in West Bengal and Assam, to the north and west, and these are now favourite transit points of trafficked women and children.<sup>61</sup> While data is not available regarding the number of trafficked children for commercial sexual exploitation, NGO activists in Bangladesh estimate that 10,000-15,000 girls and women are trafficked across the border to India each year. It is estimated that 200,000 Bangladeshi children have been trafficked for sexual exploitation through the borders of West Bengal and Assam States.<sup>62</sup> Another study reports

that approximately 300,000 Bangladeshi children and women between the ages of 12 and 30 have been trafficked to India alone in the last 10 years.<sup>63</sup> According to a study by Groupe Developpement, girls from the areas of Jessore and Satkhira in Bangladesh are usually forced to work in brothels and nightclubs in Kolkata and Mumbai or enter into coerced marriages in Uttar Pradesh.<sup>64</sup>

The annual report of an organization based in Pakistan called Lawyers for Human Rights and Legal Aid reveals that nearly 200,000 Bangladeshi girls and women were sold in Pakistan.<sup>65</sup> Traffickers also seek routes that allow easy and profitable movement of people and send trafficked children along well-recognized routes of legal migration from Bangladesh. Children are not only sent to the neighbouring countries of India and Pakistan, but also to Bahrain, the United Arab Emirates (U.A.E.) and Kuwait.<sup>66</sup>

The issue of trafficking of women and children in Bangladesh was identified as a significant concern in the 2009 International Organization for Migrations (IOM) report *Mapping of Missing, Kidnapped and Trafficked Children and Women: Bangladesh Perspective*.<sup>67</sup> At the seminar on “National level sharing for adoption of comprehensive law against trafficking person” held in 2010, police presented the official figure of 1,311 women and children victims of trafficking between 2004 and 2010 (730 women and 581 children). But, according to the Association for Community Development (ACD), an ECPAT group in Bangladesh working for prevention of human trafficking, the number of trafficked women and children is much higher and the official figures do not reflect the real picture of the situation.<sup>68</sup>

Poverty is the major cause behind trafficking of women and children in Bangladesh. Poor young women and children living in rural areas and urban slums are most vulnerable to trafficking and abduction, according to a study released in July 2010 by the

Centre for Women and Children Studies (CWCS) on *State of Trafficking in Women and Children and their Sexual Exploitation in Bangladesh*.<sup>69</sup> The CWCS conducted the study in 38 districts, identifying Jessore and Satkhira as the most frequently used land routes for trafficking, with 64 percent of the victims being females aged between 13 and 17 years.<sup>70</sup> According to the CWCS, most trafficked boys were younger than 10, while most trafficked girls were 11 to 16 years of age.<sup>71</sup> The majority of the victims were lured by job offers or financial benefits or by false marriage proposals. Fear and shame lead many children to remain silent about their experience of abuse. The CWCS study shows that often parents and family members do not file cases, mainly due to lack of witnesses, economic constraints, and in some cases where the traffickers are relatives, neighbours or influential persons. Most of the families of the surveyed victims alleged that they did not get any help from government agencies; only eight per cent of the victims were rescued and only one per cent was ensured social protection and security for themselves and their family members by the government.<sup>72</sup> In the majority of the cases the identified traffickers were not arrested.<sup>73</sup> Less than one percent of filed cases were actually in progress. Victims were sometimes repatriated to their home countries or assisted by NGOs with social reintegration, shelter, or food.<sup>74</sup>

Because of fear of social prejudice, many child and women victims of trafficking do not return to Bangladesh.<sup>75</sup> Some of the women who were trafficked for sexual purposes when they were children may become traffickers themselves. They return to their villages with new clothes and money and lure other women and young girls into the trafficker’s trap.<sup>76</sup>

Government corruption continues to contribute greatly to trafficking. According to the U.S. Department of State, law enforcement and local officials have often

ignored the trafficking of women and children and have taken bribes from pimps and owners of prostitution establishments.<sup>77</sup> These institutional weaknesses greatly hamper Bangladesh's efforts. Factors that contribute to continuing ineffectiveness of trafficking laws include:

- resources dedicated to enforcement and prosecution of the laws,
- training of law enforcement and court personnel on the existing laws and their mandates

- social awareness of breadth of the problem
- police expertise to investigate trafficking cases
- ability and willingness of law enforcement and court personnel to protect trafficked persons during the investigation and prosecution of the traffickers and
- gender-sensitive and child-sensitive court facilities and procedures<sup>78</sup>

Bangladesh National Women Lawyers' Association (BNWLA) expressed concern over the vulnerability of cyclone-affected women and children saying that they run the high risk of becoming victims of trafficking. In 2007, hundreds of thousands of people, especially women and children, lost everything and were misplaced due to a devastating cyclone. Vulnerability of women and children and possibilities of their trafficking increase on a large scale in the post-disaster period.<sup>79</sup>

The US Department of State releases annually its *Trafficking in Persons Report*, which places countries in different categories (called Tiers) based on their efforts to effectively combat trafficking in human beings. Countries which have the highest level of compliance with the international anti trafficking standards are placed in Tier 1, those who have made some efforts but which do not meet the anti trafficking standards are placed in Tier 2 - but if the number of victims is significant or is increasing or there is a failure to provide evidence of efforts to combat trafficking these countries are placed in Tier 2 Watch List - and countries which are not making efforts to combat trafficking in human beings are placed in Tier 3. Bangladesh was placed in Tier 2 Watch List in the U.S. Department of State Trafficking in Persons Report 2011.<sup>80</sup>

## Child pornography / child abuse images

No extensive research has been conducted on child pornography in Bangladesh and no official data is available on its prevalence, its effect on children, or the abuse and exploitation of children in the production of child pornography.<sup>81</sup> However, evidence indicates that child pornography is on the rise in Bangladesh, with recent studies reporting that 80 per cent of children exploited in prostitution are also exploited for the production of pornography.<sup>82</sup>

A study published by INCIDIN Bangladesh — a Dhaka-based NGO that works with vulnerable children — has observed that along with adult pornography, child pornography, especially featuring girls, is widely available at Dhaka's Stadium Market,

Patuatuli, New market and its surrounding areas. Furthermore, owing to the advantage of modern information technology, it has crossed borders and is reaching out globally. Most of the victims come from working class families and are easily fooled by the

attraction of ‘modelling’ offers.<sup>83</sup>

According to social workers, Bangladesh’s thriving pornographic market is closely associated with those in India and England, which are major destinations or conduits for such videos.<sup>84</sup>

The Committee on the Rights of the Child expressed its concerns that Internet service providers, radio and satellite television channels operate with minimum regulations to protect children against harmful information, materials, as well as marketing practices, including the exposure of children in urban areas to digital pornography.<sup>85</sup>

In August 2009, *Manusher Jonno*

*Foundation* organised a seminar titled Child pornography, an exploratory study at Dhaka. The findings reveal that a major portion of children are exposed to pornographic pictures in the form of posters, picture cards and CDs. Many are also influenced by their boyfriends, school friends and relatives. Around 77 percent of respondents to one of the studies said they get involved in pornography as viewers, while a significant number of children have been exploited in the production and selling of pornographic videos.<sup>86</sup> Easy accessibility to modern technology, illiteracy and lack of awareness of parents, absence of family cohesiveness, ease of earning money, and lack of proper implementation of existing laws are blamed for child involvement in pornography.

Mobile technologies provide a new channel for the distribution of pornography to middle and upper middle class students. Many of these students are reported to preserve pornographic MP4 and images in their cell phones and to share them with their peers. Sometimes they send this material to their friends through MMS. Uncontrolled access to internet and satellite TV channels facilitates this trend among this adolescent population.<sup>87</sup>

In its alternative report on the OPSC in 2007, the *Manusher Jonno Foundation* also noted that there is a growing demand for child abuse images both domestically and from other countries. Child pornography depicting South Asian children, including minors from Bangladesh, is being produced to respond to the request for “exotic” illegal materials by consumers from the United Arab Emirates. Within the country, child workers at local video stores are reported to sell pornography to both adults and children.<sup>88</sup>

In 2007, BNWLA reported an increasing trend of girls being trapped by boyfriends who recorded sex scenes through hidden

camera and later blackmailed them and their families, or uploaded the material on the Internet for sale as pornography. Although the victims contacted the organisation for legal support, no written complaint was filed due to fear of social stigma and consequent lack of cooperation from the victim and victim’s family. According to BNWLA, the Government is not concerned enough about the issue of child pornography and does not have the capacity and skills to fight against this crime. Existing awareness raising programs are mainly focused on trafficking and sexual abuse, with no attention devoted to combating and preventing child abuse images.<sup>89</sup>

## Child sex tourism

ECPAT has identified no studies of sexual exploitation of children in travel and tourism by international or local tourists in Bangladesh.<sup>90</sup> However, boys sexually exploited have been unofficially reported at Cox's Bazar, an important seaside destination for local tourists. These boys are approached by sex tourists on the beaches and in restaurants and small hotels.<sup>91</sup>

With an average of less than 300,000 international visitors per year between 2007 and 2010<sup>92</sup>, the tourism industry in Bangladesh is modest, but it is slowly expanding. Domestic tourism has continued to show a steady upward growth. The *Bangladesh Parjatan Corporation* (BPC)'s study called *Bangladesh Tourism Vision 2020* forecasts tourist arrivals to Bangladesh likely to exceed 500,000 and even to reach 1 million by 2020.<sup>93</sup> Projects are being implemented through Government of Bangladesh (GOB) fund for the enhancement of tourist facilities. Bangladesh has also entered into an MOU agreement for approved destination status

(ADS) with People's Republic of China; therefore the arrival of more Chinese tourists in Bangladesh is expected. Through the implementation of these projects, local people and community involvement in the tourism development process will increase. As Bangladesh is suffering from a huge unemployment problem, the development of the tourism sector can provide prospects for the country to generate employment opportunities.<sup>94</sup> So far Bangladesh has shown little evidence of child sexual exploitation by international tourists.<sup>95</sup> But with the expected increase of international and domestic tourism, Bangladesh may also face a rise in child sex tourism.

## Other issues

### Birth registration

Birth registration is available only to approximately 10 percent of the population of Bangladesh.<sup>96</sup> A 2008 UNICEF report noted that birth registration rates are very low due to the absence of effective and functioning birth registration systems.<sup>97</sup> The Committee on the Rights of the Child in 2007 expressed its concern about the falsification of identity documents in order to "legalise" early marriages or involve children in prostitution, and recommended, *inter alia*, that Bangladesh accelerate the implementation of the Births and Deaths Registration Act of 2004. Despite recent progress to increase birth registration to about 50 per cent, this rate is still very low.<sup>98</sup>

### Early marriages

Although the legal age of marriage is 18 for women and 21 for men, underage marriage is a widespread problem in Bangladesh. Child marriage is a widely accepted practice in the country. The age of marriage has traditionally been determined by the concept of childhood, which across South Asia is generally seen as a period of life that ends as soon as children enter puberty.<sup>99</sup> Reliable statistics concerning underage marriage are difficult to find because marriage registrations are sporadic and birth registrations rare. The Bangladesh Multiple Indicator Cluster Survey (MICS) of 2006 shows that about 33 percent of girls aged below 15 years and 74 percent below



18 years are married.<sup>100</sup> In rural areas, the rate was 78.4 percent and in urban areas 65.4 percent.<sup>101</sup> Early marriage may lead to sexual abuse and sexual exploitation. The CRC Committee recommended in 2007 that Bangladesh intensify its efforts to protect children from early and forced marriages, concerned over the persistence of these harmful traditional practices and the negative impact on children's health, development and enjoyment of their rights.<sup>102</sup>

### Natural calamities

Bangladesh is extremely vulnerable to recurrent natural calamities. About a third of the country floods annually during the monsoon rainy season, and the population is affected by river erosion, cyclones and hurricanes.<sup>103</sup> Flood is a regular phenomenon in the country with severe flooding occurring every five to ten years. For example, in 2004, Bangladesh experienced a devastating flood: out of 64 districts in the country, 42 districts, with about one-fourth of the population of the country, were affected by flood.<sup>104</sup> In November 2007, Cyclone *Sidr* hit Bangladesh, leaving 200,000 families homeless. Disaster causes loss of assets, physical infrastructure, lives of human beings and animals. Women and children often suffer the most during these disasters. Natural calamities often lead to displacement of child populations in huge numbers. Many of them ultimately find themselves catapulted from their familiar rural surroundings to the

more complex urban scenario where they are forced to live and work in adverse conditions. These displaced children become also very vulnerable to commercial sexual exploitation.

### Street children

A significant portion of disadvantaged children live on the streets of urban areas of Bangladesh. Making an estimate of the number of street children is difficult. A Bangladesh Institute of Development Studies (BIDS) survey found the total number of street children as at least 500,000.<sup>105</sup> Often separated from their families, many of these children migrate to the cities in search of a livelihood. Their work may range from street vending, rag picking, metal work, and transport work, dealing in drugs and contraband items to commercial sexual exploitation. Deprived of their basic rights to health, food and education, street children are particularly susceptible to manipulation, abuse, and exploitation, including commercial sexual exploitation.

Following the 1996 Stockholm and the 2001 Yokohama global forums on Commercial Sexual Exploitation of Children, Bangladesh reaffirmed its commitments at the World Congress III against the Sexual Exploitation of Children and Adolescents, in November 2008 in Brazil. The World Congress III renewed global commitment and galvanized international resolve to combat sexual exploitation of children and adolescents.

## NATIONAL PLAN OF ACTION

The government of Bangladesh has adopted three *National Plans of Action (NPA) on Children* (the most recent one spans 2005-2010) for targeted interventions in key areas of children's protection and development. Bangladesh has also developed a *National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking* in 2002 and a National Anti-Trafficking Strategic Plan of Action in 2006. However, existing plans have been only partially implemented.

The **Third National Plan of Action for Children** was formulated for 2005-2010. The preparatory consultations with stakeholders included children, who were invited to express their views for the formulation of the NPA. A positive aspect of the NPA process has been embedding the Plan of Action on Children in the national policy planning processes. Awareness on children's rights is rising as the document is used in lobbying and advocacy ensuring child rights become a consistent concern in development programmes.<sup>106</sup> Part 6 of the NPA contains specific objectives to protect children from abuse, violence and sexual exploitation, including paedophilia and trafficking.<sup>107</sup> To achieve these goals, the NPA calls for: identifying and addressing the root causes of children's vulnerabilities that lead to sexual abuse, discrimination, violence and exploitation; developing and implementing policies, programmes and legal frameworks that prevent and protect further abuse; raising mass awareness, particularly among duty bearers, to promote and protect children against any abuse; and developing policies, programmes, legal mechanisms and provisions, including services and facilities, for recovery and reintegration of child victims.<sup>108</sup>

The NPA has proposed institutional bodies to implement, coordinate and monitor its activities. A mechanism for monitoring the implementation of the plan has been established under the leadership of the Ministry of Women and Children Affairs (MoWCA).<sup>109</sup> More specifically, in February

2009, the government constituted the National Council for Women and Child Development (NCWCD) for monitoring and evaluation of the NPA (see section on Coordination).

A number of programmes and projects have been undertaken by different ministries in conjunction with the NPA on children: Protection of Children at Risk by the Ministry of Social Welfare; Empowerment of Children and Adolescents by the MOWCA; Time Bound Programme for the Elimination of Worst Forms Child Labour by the Ministry of Labour and Primary Education Development Programme by the Ministry of Education.<sup>110</sup>

However, in general, the NPA has been slowly implemented. No initiative has been taken from the government to involve civil society in the NPA implementation.<sup>111</sup> The CRC Committee expressed concerns that awareness of the NPA does not reach all levels of the administration and that guidelines for its implementation are inadequate. The Committee also expressed concerns that no framework for the assessment and evaluation of the plan exists.<sup>112</sup> Another problem is that the major interventions of the NPA do not provide sufficient protection to boys, specifically prioritising planning for vulnerable girls, with no mention of boys.<sup>113</sup>

The development in 2002 of the **National Plan of Action against Sexual Abuse and Exploitation of Children including**

**Trafficking** (NPA-SEACT) was facilitated by an advisory Core Group, under the leadership of the MoWCA, with UNICEF Bangladesh acting as secretariat. Members included the Department of Social Services, Action against Trafficking and Sexual Exploitation of Children (ATSEC) Bangladesh, Bangladesh National Woman Lawyers' Association (BNWLA), Concern Bangladesh, INCIDIN Bangladesh, ILO and Save the Children Alliance. The design of the NPA-SEACT ensured the input of divisional and district-level officials and NGO representatives during three sub-national meetings.<sup>114</sup> The task of the Core Group was to create a national policy that

addresses both sexual abuse and exploitation of children and to identify good practices.<sup>115</sup> An NPA Implementation and Monitoring Committee was established, comprising members of the Core Group, a number of government ministries and departments, and NGOs directly involved in implementing the NPA. The Committee members work in the four main areas outlined in the NPA through four sub-committees.<sup>116</sup> However, in 2007 the CRC Committee expressed concerns about the budget allocated for this committee and recommended providing the Monitoring Committee with the necessary resources and power to effectively carry out its monitoring mandate.<sup>117</sup>

In the development of the NPA, there was also a process to incorporate children's views. Facilitators with experience working with children designed the methodology and led the eight consultations with children as well as sub-national meetings with local stakeholders.<sup>118</sup>

This NPA is notable in South Asia for directly addressing non-commercial sexual abuse as well as sexual exploitation and for its comprehensive presentation of critical issues in protection, prevention, recovery and reintegration. It also has specific sections on perpetrators and child participation. The NPA addresses many issues important to boys, including measures to address the risks of migration, abuse by staff working in residential institutions, abuse-reporting mechanisms, creation of 'safe havens' for at-risk children and child-friendly law enforcement procedures. The NPA also spurred some government departments to action; in particular, the Department of Social Services under the MoWCA and the Ministry of Home Affairs (MoHA) formulated standards and guidelines for various aspects of reintegration efforts, including procedures to protect children from abuse. These standards were issued to the Department of Social Services through support from UNICEF; additionally, MoHA, with assistance from the United Nations Development Programme (UNDP), founded a child friendly Victim Support Centre operated by law enforcement.<sup>119</sup>

Again, the CRC Committee is concerned by lack of implementation of the Plan.<sup>120</sup> The NPA was set to formally expire in 2007, though the development of standards and guidelines, including abuse protection mechanisms, for reintegration practice, and the development of a child-friendly Victim Support Centre operated by law enforcement under the Ministry of Home Affairs were initiated later in the NPA's timeframe and continued into 2008 and 2009. At the time of publication of this report, it remains unclear whether any updates or further measures in connection with the NPA are being undertaken.

The MoWCA, with government and NGO stakeholders, developed the **National Anti-Trafficking Strategic Plan of Action** in 2006, with the purpose of clarifying the roles of government agencies and NGOs, and coordinating specific actions for prevention, rescue, repatriation, prosecution and reintegration of trafficking victims. The document recommends the establishment of Anti-Trafficking Committees at the central, district, sub-district and village levels. While addressing some of the root

causes and protection considerations for non-commercial sexual abuse, it does not encompass the broad range envisioned in the NPA-SAECT. Thus, many interventions with direct consequences for boys,

particularly children on the street and boys in prostitution, are not addressed.<sup>121</sup> Furthermore, it appears that this NPA was never implemented.<sup>122</sup>

## COORDINATION AND COOPERATION

### Local and National Level

The Ministry of Women and Child Affairs (MoWCA) is the nodal agency for child protection; it serves as an interface point to coordinate among the various state actors addressing child protection. In 2009 a new body, the National Council for Women and Child Development (NCWCD), was also established as an oversight mechanism to address children's issues. MoWCA arranges meetings of the Inter-ministerial CRC Standing Committee headed by its Secretary. The National Human Rights Commission (NHRC) was established in 2008. The Ministry of Home Affairs (MoHA) also coordinates the Inter-ministerial Committee to Prevent Trafficking in Women and Children. Government partnerships exist with NGOs to implement different projects on children's rights. National NGOs coalition such as *Bangladesh Shishu Adhikar Forum (BSAF)* and *Action against Trafficking and Sexual Exploitation of Children (ATSEC)* Bangladesh are very active in combating CSEC.

However, some commentators have observed that this plethora of administrative bodies suffers from a number of coordination problems, including inefficiency and duplication of tasks and therefore do not appear to effectively fulfil their objectives of addressing child sexual exploitation.<sup>123</sup> Furthermore, the CRC Committee has expressed concerns that the cooperation established between the government and civil society organizations relevant to the rights of the child reflects mainly a use of NGOs as contractors by state for the implementation of projects, rather than active state engagement on the issue. Also problematic, trafficking continues to be the core focus of coordination and collaboration efforts, while other forms of CSEC, such as pornography and prostitution, still receive insufficient attention.

The MoWCA is the focal point responsible for coordinating the implementation of children rights programmes and policies including the CRC Optional Protocol, both between different ministries and at the national and sub-national levels, going as far down as the sub-district level. The MoWCA, with support from UNICEF, has constituted a Standing Committee to monitor the implementation of all issues related to guaranteeing child rights.<sup>124</sup> The MoWCA is responsible for coordinating child-related activities among 18 ministries.

It also maintains a database on violence against children in Bangladesh and collects data from district commissioners and district offices of the Department of Women Affairs. Because it services as a coordinator, MoWCA maintains consistent contact with MoHA to compile data on cases relating to the sexual exploitation of women and children.<sup>125</sup> However, inadequate staff and resources remain challenges for addressing child protection concerns. There is no effective coordination and referral system between relevant government and

non-government actors working on child protection.<sup>126</sup> The CRC Committee has criticized the adequacy of coordination and monitoring development, especially because the MoWCA appears to have little power to achieve children's rights mandates as a coordinating body, relative to ministries and other administrative bodies.<sup>127</sup>

The *Shishu* Academy (Academy for Children), an implementation division

within MoWCA, coordinates with the public and civil society to implement projects on the cultural and psychological development of children.<sup>128</sup> There are plans to strengthen the *Shishu* Academy by monitoring activities through district-level CRC Committees with the help of all sectoral ministries.<sup>129</sup> At the time of publication of this report, however, it is unclear whether such activities have been implemented.

### **The National Council for Women and Child Development (NCWCD)**

Established in 2009, the National Council for Women and Child Development (NCWCD) combines the former National Council for Women Development and National Children's Council. The NCWCD will formulate new laws and rules for the protection of child's interests, rights and welfare and recommend amendments to existing laws and rules. There is, however, a risk of a lack of clarity or duplication of efforts between the NCWCD, MoWCA and the Department of Children Affairs, expected to be established under the MoWCA.<sup>130</sup>

### **The Department of Children Affairs**

The MoWCA has proposed creating a separate Department of Children Affairs, which is now under consideration. In the state report submitted in 2009 to the CRC Committee, however, Bangladesh expressed the view that establishing such a department may not benefit the children much, as it would likely repeat activities already performed by other ministries.<sup>131</sup> Instead, the government argues that more effective coordination and implementation of children's programmes and activities in pre-existing administrative bodies would bring better results than creating a new unit<sup>132</sup> in an already expansive bureaucracy.

The Inter-Ministerial CRC Committee, chaired by the Secretary of MoWCA, coordinates the implementation of CRC and other plans of action on children. The Committee advises on major policy matters such as preparation of the NPA for Children, celebration of annual CRC Week, and monitoring and reporting mechanisms

on children's issues. There are also CRC Committees at the district level, charged with keeping track of achievements and progress in children's programmes. MoWCA has also provided training on child rights and programmatic issues for committee members.<sup>133</sup>

## The National Human Rights Commission (NHRC)

In 2008, the National Human Rights Commission Ordinance was passed in order to establish an independent institution to monitor the promotion and protection of human rights.<sup>134</sup> The National Human Rights Commission (NHRC) was set up on September 2008 to investigate and address human rights violations and consult with the government on methods for fulfilling international human rights mechanisms. The Commission is empowered to investigate reports of human rights violations from individuals or any other source. The Commission itself can initiate investigation into any incident of rights violation discovered through its own monitoring. In cases of a proven human rights violation, the NHRC can either resolve the issue itself through mediation or forward it to the judicial system or other relevant authorities for resolution.<sup>135</sup> While the NHRC may take actions in the area of children's rights violations under the overall human rights framework, independent, child-specific and child sensitive procedures for individual complaints are still lacking in Bangladesh. The CRC Committee raised some concerns about whether the NHRC functions independently and has sufficient capacity to deal with the needs of the large population of children in Bangladesh.<sup>136</sup>

## Office of the Ombudsman for Children

The government initiated the process for establishing the Office of the Ombudsman for Children in 2004. In 2006, a draft law on Children Ombudsman was prepared under the MOWCA. The draft was placed before the Cabinet in the same year for approval.<sup>137</sup> The Cabinet, offered a few insights after examining the draft and sent it back to the Ministry for further revision. The process appears to still be ongoing.<sup>138</sup>

*An Inter-ministerial Committee to Prevent Trafficking in Women and Children* was established to monitor and provide technical support to child trafficking programmes.<sup>139</sup> The committee is regularly reviewing and monitoring the cases of trafficking in women and children, the prevention of potential victims from being trafficked out the country, rehabilitation of the trafficked victims and awareness campaigns undertaken by various ministries and agencies.<sup>140</sup> The Committee is chaired by the Ministry of Home Affairs and, as of 2009, had established anti-trafficking units in 64 districts.<sup>141</sup> A number of anti-trafficking committees with representatives from government institutions, NGOs, religious leaders and other stakeholders have also been established at municipality and union level.<sup>142</sup>

To enhance cooperation between government bodies and civil society, a *GO-NGO National Co-ordination Committee for Trafficking in Women and Children* was created, comprising representatives from the Ministry of Home Affairs, Ministry of Foreign Affairs, the Ministry of Women and Children Affairs, the Attorney General's Office and various NGOs involved in monitoring and implementing programmes to combat trafficking. The committee is led by the MoHA secretary and meets at least once per month,<sup>143</sup> although some NGOs note that meeting agendas are often too extensive and do not pay enough attention to the issue of trafficking.<sup>144</sup>

Various committees have been formed at the national, district and local level for addressing

the issue of violence against children. A Committee for Prevention of Violence against Women and Children Cell has been formed at the national level and a District Child Right Committee at the district level.<sup>145</sup> An Inter-Ministerial Organization

Case Monitoring Committee has been set up to select some pending trafficking cases and closely monitor the justice process in that case. However, it is unclear what criteria are used for the selection of these cases.<sup>146</sup>

### **Bangladesh Shishu Adhikar Forum (BSAF)**

is a coalition of 235 national NGOs working in the child rights sector in Bangladesh. BSAF aims at drawing public attention to child rights and the well-being of children. Its mandates include lobbying the government and the United Nations, as well as educating the public about child rights and performing research on related issues. In addition, BSAF also submitted the Supplementary Report to Bangladesh's second periodic Report on the Implementation of the UN Convention on the Rights of the Child for 1996-2000.<sup>147</sup>

### **Action against Trafficking and Sexual Exploitation of Children (ATSEC)**

is a coalition of 29 NGOs working in Bangladesh for prevention of trafficking in children and women and their sexual exploitation.<sup>148</sup> The coalition, which has counterpart groups in India and Nepal, conducts advocacy, awareness and social mobilisation programmes at local and national levels, supports research and provides inputs into governmental and donor strategies against sexual exploitation.<sup>149</sup> In April 2009, ATSEC launched a new project titled "Strengthening Networking to Combat Human Trafficking." This project's objectives are to build capacities of approximately 200 NGOs for combating human trafficking and to strengthen coordination mechanism and information flow among NGOs.<sup>150</sup> The project is supported by the International Organization for Migration (IOM). Under the U.S. Agency for International Development (USAID) grant and Save the Children Denmark's guidance, ATSEC is working closely with The British Council, ECPAT International, ILO, UNICEF and UNIFEM.

The U.S. Government, through USAID/Bangladesh, currently funds the four-year Actions for Combating Trafficking-in-Persons (ACT) program to connect local and national government representatives, NGOs, citizens and community leaders to prevent human trafficking, protect survivors, and prosecute crimes of perpetrators.<sup>151</sup> The overall objective of the USAID/Bangladesh project titled "Counter-Trafficking Interventions in Prevention, Protection and Prosecution for Victims of

Trafficking in Persons in Bangladesh" is to strengthen counter-trafficking interventions in prevention, protection, rescue, voluntary repatriation, reintegration and prosecution for Bangladeshi victims of trafficking in persons.<sup>152</sup> In 2008, a number of advocacy meetings and training sessions for the bar association members, lawyers, public prosecutors and journalists were organized; 149 victims of trafficking were provided support; and hundreds of TV and radio spots were broadcasted.<sup>153</sup>

## Regional and international level

There are several regional networks in South Asia that address issues related to the commercial sexual exploitation of children. UNICEF is the main international body working in coordination with MoWCA and other relevant national bodies in areas of concern for children's well-being.

Despite these coordinating efforts, the CRC Committee noted that Bangladesh still needs to improve its international cooperation. The Committee pointed out the need to sign bilateral agreements with neighbouring countries addressing issues of prevention, care, reunification and rehabilitation of child victims of trafficking for sexual purposes. At the international level, Bangladesh should enhance cooperation internationally to improve prevention, detection, investigation, prosecution and punishment of persons involved in child prostitution, child pornography, child sex tourism and the sale of children.<sup>154</sup>

### TOT Workshop on Child Protection & Fighting Trafficking in Children for the South Asia Region

A five day workshop was held in Dhaka in October 2010. Thirty-six participants from seven countries including Maldives, Pakistan, Bangladesh, Sri Lanka, Bhutan, Nepal, Afghanistan and staff from UNICEF took part in the training workshop. Topics included Child Protection; Approaches to Child Trafficking; International and Regional Instruments; How Trafficking Works; Research Methods and Knowledge for Change; Preventing Trafficking (Protection Measures, Awareness Raising and Social Norms); Law Enforcement; Victim Assistance; Social Dialogue and Involving Children and Young People; National Action Plans; Monitoring and Evaluation.<sup>155</sup>

The South Asia Coordinating Group against Commercial Sexual Exploitation and Trafficking of Children and Women in South Asia was established in 2004, following from the Yokohama Global Commitment. In 2005, the group was renamed **South Asia Coordinating Group on Action against**

**Violence (SACG)**. SACG has established three sub-groups: Early Marriage, Physical and Psychological Punishment, and Human Trafficking. These sub groups are mandated to provide technical input to SACG and, if necessary, to SAF.<sup>156</sup>

### SAIEVAC Workplan for 2010-2015

In January 2010, the South Asian Forum for Ending Violence against Children (SAF) held its 4th Coordinators meeting in Kathmandu. The main objectives for the meeting were to develop a 'Commitment for Action' to end violence against children. The meeting was organised by the



Ministry of Women, Children and Social Welfare and the South Asia Coordinating Group on Violence against Women and Children (SACG). Save the Children, ECPAT, Plan, Planete Enfants and several UN agencies also attended the event.<sup>157</sup> This meeting provided an opportunity to consolidate SAF, which subsequently changed its name to the **South Asian Initiative to End Violence Against Children (SAIEVAC)**.<sup>158</sup> The participants also developed the Kathmandu Commitment for Action to end violence against children and address the urgent issues of early marriage, child protection, child trafficking and child sexual exploitation.<sup>159</sup>

In June 2010, the 3rd SAIEVAC Ministerial Meeting recommended SAIEVAC to apply for SAARC Apex Body status. In November 2010, SAIEVAC had its first Board Meeting in Kathmandu in order to complete the application process by December 2010. At the meeting the SAIEVAC's Workplan for 2010-2015 was also approved. According to the Workplan, by 2015 the governments of South Asia will have reached a series of ambitious objectives measured through the use of indicators in the areas of: regional cooperation among member states; national strategy to end violence against children; legislative measures to prohibit all forms of violence against children; prevention of violence against children; data collection; capacity building for all professionals working with children; standards for caregivers of children; mandatory reporting for professionals working with children in cases of suspected acts of violence against children; procedures for the referral of child victims; recovery, rehabilitation and social reintegration of child victims; ensuring the justice system pursues the best interest of the child; education and awareness raising on the rights of the child; and civil society and child participation. Specifically on the issue of trafficking, by 2015 all member states are required to have implemented all provisions of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. On the issue of sexual abuse and exploitation, by 2015 all states must have adopted comprehensive legislation, ratified all relevant international and regional instruments and enforced a Code of Conduct for telecommunications services and travel outlets to prevent sexual exploitation.<sup>160</sup>

**The Cross Border Anti-Trafficking Network (CBATN)** is a South Asian regional coalition of NGOs established in 2004 to act as an instrument for coordination and co-operation among the countries of South Asia in order to combat human trafficking in the region. It is currently operational in India, Nepal and Bangladesh. CBATN works in three areas: prevention, prosecution and protection. In the prevention area, the coalition focuses on preventing cross border and interstate trafficking in women and children at cross border transit points, transport hubs and villages along the Indo-Nepal border. Regarding prosecution, CBATN is involved in building the capacities of public and private prosecutors in addressing issue of cross border human

trafficking. Finally, the coalition is involved in programs that contribute to safeguarding the rights of survivors of human trafficking at state, national and regional level, especially with regard to the prosecution process.<sup>161</sup>

An additional anti-trafficking forum, South Asia Forum against Human Trafficking (SAFAHT), has been created through support from UNIFEM, and in partnership with governments of the region, UN agencies such as UNICEF, the ILO, USAID, the US State Department, NGOs, and professionals. SAFAHT facilitates and supports activities of national, regional and local networks, including exchange of information and experiences. A South Asia Professionals against Trafficking (SAPAT) has also been

established, composed of committed police personnel, prosecutors/lawyers, judges/magistrates, doctors, and media persons, to be a non-formal pressure group of professionals against trafficking.<sup>162</sup>

The development of children and the promotion of their well-being is a principal area of cooperation identified by the **South Asia Cooperation for Regional Cooperation (SAARC)**. The SAARC Convention on Regional Arrangements on the Promotion of Child Welfare in South Asia was signed in January 2002 in Kathmandu. The Convention envisages facilitating the development of the full potential of the South Asian child. A Regional Task Force has been formed in all the Member States to monitor and assess the implementation of various provisions of the SAARC Convention on Regional Arrangement for the Promotion of Child Welfare in South Asia. The Third Meeting of the Regional Task Force in May 2009 finalised the draft Standard Operating Procedure to implement various provisions of the Convention, including repatriation of victims of trafficking.<sup>163</sup> At the meeting of member states' nodal officers for human trafficking held at the Ministry of Home Affairs of India in August 2009, the Joint Secretary informed participants that the Standard Operating Procedure for implementation of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution was approved by the SAARC Member States.<sup>164</sup>

A Memorandum of Understanding (MoU) was signed in July 2009 between UNIFEM and UNODC to strengthen cooperation against human trafficking among South Asian countries (namely Bangladesh, Bhutan, India, Nepal, Maldives and Sri Lanka). In March 2010, UNODC in association with ATSEC India organized for the first time in South Asia a three-day regional workshop on "International Cooperation in Trafficking in Persons/Smuggling of Migrants Cases" in Kolkata. The workshop brought together senior officers and representatives from the executive and judiciary from Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka, as well as representatives from the International Justice Mission, International Organization for Migration (IOM), UNIFEM, ATSEC and UNODC experts in legal and criminal justice matters.<sup>165</sup>

Innovative regional collaborations involving Bangladesh have also been developed at the non-governmental level. For example, in the framework of the EU-funded project 'Developing a rights-based approach for anti-trafficking actions in South Asia,' implemented between 2006 and 2009 by local NGOs in India, Bangladesh and Nepal, a comparative analysis of the three countries' anti-trafficking legislation was undertaken, accompanied by advocacy aiming at the harmonisation and improvement of legal frameworks and by awareness raising activities and measures for the protection of victims based on a human rights approach.<sup>166</sup>

## **Bangladesh and India coordinate to address cross-border child trafficking**

With support from UNICEF, Bangladesh and India are working together on addressing cross-border trafficking issues, in particular the long and complicated repatriation procedure for victims trafficked from Bangladesh to India. Drawing on a rapid assessment of the problems faced in repatriation

of Bangladeshi victims back to their country of origin undertaken by UNICEF, the Governments of Bangladesh and India drafted a Plan of Action in June 2007 to strengthen the mechanisms of the rescue-to-reintegration process. The Plan's objective is to develop simple, standardised procedures and practical methods to expedite the process, improve the care and protection of children, and ensure that the best interests of children are paramount in all actions taken on their behalf. The action plan also includes the development of minimum standards of institutional care and protection (see section on Support Services).<sup>167</sup> However, it has yet to be finalised or implemented.<sup>168</sup>

UN agencies like UNDP, UNICEF and UNIFEM have extended their support by supplying information and data through sharing good practices. Bangladesh also receives financial support from many donors. The governments of the Netherlands, Germany, and the UK have continued to support programs for prevention of crimes against children and protection of children's rights. National UNICEF committees

are also providing significant support for the implementation of various national programmes.<sup>169</sup> On a local level, UNICEF is supporting various NGOs to establish community-based mechanisms that will prevent child trafficking and protect those who are most at risk. More than 100 Community Care Committees are currently involved in creating awareness on trafficking issues.<sup>170</sup>

### **ECPAT South Asia Regional Meeting focuses its lens on the complex dynamics that impact sexual crimes against children on the internet**

Over 40 participants from Nepal, Bangladesh, Pakistan and India, representing civil society organisations, international agencies, the private sector and members of ministries of the government of Nepal met in Kathmandu to discuss the exploitation of children online and to examine the measures needed to address the harms that are perpetrated against children in the context of rapid Information and Communication Technology developments.

Organised by ECPAT International, in association with the Office of the Controller of Certification, Ministry of Science and Technology, Government of Nepal and with the support of ECPAT member groups, the 2 day regional technical forum held in Kathmandu from 23 – 24th August aimed at strengthening knowledge on the issues and planning collaborative efforts and programmatic interventions of the member agencies and partners to ensure a multi-stakeholder approach to combat these online sexual crimes against children.

During the two day meeting, participants deliberated to identify a comprehensive framework and multi-sector action plan to ensure child protection from exploitation on the internet and other related technologies. Government and law enforcement officials, NGOs and the private sector were all able to propose targeted measures that they could support and monitor to strengthen the protection of children from becoming online targets for abuse, violence and exploitation.<sup>171</sup>

## PREVENTION

### Prostitution of children

While government prevention activities in the areas of child prostitution are scarce, several NGOs are actively engaged in various projects to combat child prostitution. With only a few exceptions, there is still a notable lack of activities that specifically target boys vulnerable to commercial sexual exploitation.

#### Safe Night Shelters for boys provided by INCIDIN Bangladesh

INCIDIN Bangladesh is a research and advocacy organisation working to combat sexual abuse and sexual exploitation of children. Through its project Safe Night Shelter for Sexually Exploited Street Children, supported by Save the Children Sweden-Denmark, INCIDIN conducts a campaign to prevent boys from being sexually abused and entering prostitution by providing a safe shelter at night. It also works to empower children living on the street through participation and activism.<sup>172</sup> INCIDIN has established two night shelters for boys in Dhaka city, near the Railway Station where many children live. The shelters provide food, bed and bathing facilities, as well as emergency health services. During the day they operate as drop-in centres, providing psychological support, health care, non-formal education, legal aid and life skills training. This project is unique in Bangladesh for its focus on preventing boys' entry into prostitution and working to empower boys through participation in shelter activities, including the shelter's operation, planning, implementing, monitoring and evaluating projects, including evaluation of staff. Through group meetings, the children establish their own rules for shelter operation and make decisions about shelter maintenance.<sup>173</sup>

The UNICEF programme *Kishori Abbijan* (Empowerment of Adolescents) aims to create an environment in which rural adolescent girls and adolescents involved in prostitution can voice their concerns and take part in the decisions that affect their lives. The focus is on developing confidence, self-esteem, negotiation skills, problem-solving capacity and awareness of risky behaviour through the creation of peer-to-peer networks.<sup>174</sup> Originally targeted at girls, the programme was later expanded to include adolescent boys. As of April 2010, nearly 2,500 boys have received training from peers on child abuse and exploitation, trafficking, gender, reproductive health and other issues critical to adolescents' growth and protection.<sup>175</sup>

Aparajeyo-Bangladesh (also an ECPAT group member) is a large national child rights organisation whose aims are to serve socially deprived children in urban settings and prevent CSEC in street / brothel-based sex work and sex tourism in Bangladesh. Aparajeyo has a range of child rights-based programmes, including protection, rescue, education, healthcare, skills training, socio-economic development and participation. Aparajeyo is the chair of four network bodies and its Director of Programmes is the Chair of the Bangladesh STI/AIDS Network. Aparajeyo Bangladesh has created models of best practice adopted by the Bangladeshi government and has been the National Coordinator of the worldwide movement on the Global March of Children against Child Labour.<sup>176</sup>

Three other important NGOs: Action against Trafficking and Sexual Exploitation of Children (ATSEC), Girls Child Advocacy Forum and Bangladesh National Women's Lawyers Association (BLWLA), engage in awareness-raising activities on child sexual abuse and child prostitution. They distribute various prevention campaign materials, such as posters, stickers and brochures for children, adolescents and parents. They also utilise other forms of expression, such as street plays and films, for the nationwide campaign. ATSEC organised advocacy seminars to introduce a prevention campaign package to officials of the Government, donors and media as well other stakeholders and potential users.<sup>177</sup>

There are also campaigns focused specifically on increasing awareness in schools. Breaking the Silence has been working to raise awareness about the sexual abuse of girls and boys for more than 10 years; it now covers six districts as well as Dhaka. Working primarily through schools, Breaking the Silence raises awareness about child sexual abuse to principals, teachers and parents, as well as children.<sup>178</sup>

The Empowerment of Children in Need of Special Protection Project, supported

by Save the Children Australia, addresses children living on the street, in slums and in brothels and other children at risk of abuse and exploitation. The project strengthens children's ability to protect themselves by providing life skills training and awareness on reproductive health, children's rights and gender issues. The project has worked to build the capacity of counterpart NGOs in five districts to conduct life skills and awareness activities for vulnerable children, primarily girls, and to create a network to protect boys and girls from sexual abuse and exploitation.<sup>179</sup>

Finally, Ain o Salish Kendra (ASK), also an ECPAT affiliate in Bangladesh, conducts awareness-raising campaigns, including consultation sessions with children and information sessions with parents and other relevant actors. ASK also works to cultivate a sense of responsibility for children among local officials to improve monitoring mechanisms for child domestic workers. ASK also provides counselling, including emotional support for victims, and six full-time and 12 part-time drop-in centres for working children in Dhaka, where they can access literacy training, nutritional advice, healthcare, psychosocial assistance and legal support.

## Trafficking in children for sexual purposes

Most of the government's involvement in raising awareness on trafficking in children is through the Inter-ministerial Coordination Committee. Government anti-trafficking projects include conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs.<sup>180</sup> However, the majority of preventions actions against child trafficking are carried out by NGOs. Many of these NGOs are highly active working at the community level with local government leaders against trafficking through research, data collection, documentation, advocacy, awareness raising, networking, cross-border collaboration, rescue and rehabilitation. NGOs also advocate for legal reform and work to promote child sensitive court procedures. However, in the absence of a focal ministry or specialized authority on child protection at national level, the projects and campaigns are largely unable to link the public to any specific agency. Moreover, as the projects are more issue-based and NGOs are usually active in targeted localities, information is unequally dispersed among the public.<sup>181</sup>

Throughout 2009, various ministries have disseminated anti-trafficking messages in a number of different forums, including public service announcements, dramas, rallies, poster, public discussions, and songs on the government-run television channel and radio network.<sup>182</sup> The Monitoring Cell reported anti-sex trafficking messaging was included in monthly public outreach sessions conducted by government heads in each of Bangladesh's 65 units.<sup>183</sup> Among the recent administrative measures to discourage trafficking is also the strengthening of border check-posts through which such trafficking usually takes place.<sup>184</sup>

The Ministry of Women and Children Affairs, in collaboration with NGOs, implements various projects to address child trafficking: for example, Jagorn Pada Jatra is a road march to raise awareness to combat child trafficking.<sup>185</sup> As part of the work of the anti-trafficking committees established locally, sensitisation activities are also being implemented at the district, municipal and union level, conducted through the organisation of various events, including public meetings, rallies, theatre performances, folk song concerts, etc.<sup>186</sup>

The Association for Community Development (ACD) works to promote an integrated approach through developing community-based protection mechanisms, increasing child and youth participation, community mobilisation, awareness, and social response to address the root causes

of human trafficking at the border belt areas. ACD has developed the People's Organization to deal with the issues of marginalised communities and to mobilise community and social safety nets for marginalised women and children. It has also worked to create Counter Trafficking Communities to monitor the situation of human trafficking, rescue victims, and work for advocacy and counter- trafficking initiatives at border belt areas for victims' justice and legal assistance. ACD has developed a network with 27 local NGOs to enhance the counter-trafficking initiatives at border belt areas. To enhance justice and social response, ACD has been working with Local Elected Bodies (LEB), Law Enforcing Agencies (LEA), social leaders, religious leaders, political leaders, community-based organisations, NGOs, media, service providers, etc. to address the rights of marginalised women and children. ACD also promoted micro-entrepreneurship to support and empower marginalised adolescents and reduce the root causes of vulnerability to human trafficking.

ACD has also developed a Socialization Center to serve as a semi-institutional protection mechanism for children and adolescents from marginalised, underprivileged, or otherwise vulnerable backgrounds. This Center, facilitated by participation from children, aims to promote gender equality, non-discrimination and other social practices to reduce vulnerability.

## Primary education curriculum includes human trafficking

In April 2010, the government of Bangladesh and organisations working in the education sector endorsed a draft primary education curriculum on combating human trafficking to respond to the need to raise children's awareness on the issue at the school level. The draft curriculum jointly prepared by IOM and the Campaign for Popular Education (CAMPE) was later shared with government officials. Lessons on human trafficking have been prepared for inclusion in the text books of grades one to five, with students at each class level receiving age-appropriate lessons: lessons for grades 1-2 rely on flipcharts, posters and pictures, while role-play, discussions and text will be used for grades 3, 4 and 5. The initiative is being undertaken within the framework of the

“Prevention and Protection of Victims of Human Trafficking in Bangladesh (PPVHTB) project,” with the support of the Royal Norwegian Embassy and the Embassy of Denmark.<sup>187</sup>

Additionally, UNICEF and a consultative group funded by Save the Children have developed learning kits for adolescents, “Nijeki Jano (Know Yourself),” which are informally distributed in education settings where children can discuss sexual abuse and trafficking.<sup>188</sup>

INCIDIN Bangladesh, a research and advocacy organisation focusing on child labour and trafficking of children, gives special attention to children, women, indigenous people and other vulnerable social groups and assists and empowers them through awareness programmes, training and income generating programmes and support systems.<sup>189</sup> The NGO National Co-ordination Committee for Trafficking in Women and Children is involved in implementing and monitoring programmes to combat trafficking.<sup>190</sup>

The Bangladesh National Women Lawyer’s Association (BNWLA) works with women and child victims of prostitution, sexual abuse and trafficking. The major activities of BNWLA include mass awareness against women and child trafficking, rescue, repatriation and rehabilitation of the victims, providing shelter and legal aid to the victims of violence, conducting training and research on legal rights of women and children, advocacy and lobbying, investigating cases of violence against women and children. BNWLA promotes the right to access to justice for all women and children. The programs and service provisions of BNWLA are particularly targeted at the poorest and most disadvantaged areas of Bangladesh.<sup>191</sup> Additionally, BNWLA works in the field of anti trafficking and focuses on prevention, protection, rehabilitation (through shelter home), legal action, reintegration in the family as well as in the society. The organisation is also involved in lobbying with the government and actively works to disseminate information about the issues through mass media.<sup>192</sup>

Several preventive activities are organized by

Save the Children. These activities include awareness raising, capacity building and local level advocacy. Focus topics included the causes and consequences of child trafficking, sexual abuse and exploitation of children among children, parents, guardian, teachers, religious leaders and lawyers. Moreover, Save the Children Sweden also founded a programme to address CSEC in Bangladesh. The programme aimed at both prevention and protection issues by focusing on root causes in the local context. Save the Children Sweden is continuously working with other local partner organisations.<sup>193</sup>

Caritas Bangladesh held two meetings in November 2010 at Rajshani in northwestern Bangladesh. The meetings assembled 88 community leaders from transit locations bordering India to raise awareness and highlight the causes and effects of human trafficking, especially at the grassroots level. It also pointed out the role of local people in fighting trafficking.<sup>194</sup>

The Association for Community Development (ACD) works in the Northwest part of Bangladesh (Rajshahi and Chapainababganj) with boys and girls, particularly emphasising trafficked children, child prostitutes, street children and sexually exploited children. On the preventive side, they work with communities by using an integrated approach on Protection from Child Trafficking and Sexual Exploitation for Children. Their activities include running shelter homes, drop-in and socialisation centres, providing legal support, health services, recreation, vocational therapy, life skills training and counselling. They also work for advocacy and awareness-raising against CSEC.<sup>195</sup>

## The Journalists' Forum on Human Trafficking

The Journalists' Forum on Human Trafficking was organised by a group of NGOs to discuss with journalists, mostly newspaper reporters, issues regarding child rights, sexual abuse, exploitation and trafficking. The Forum aimed to sensitise them to the issue; various trainings on ethical reporting were conducted as well as the drafting of a code of conduct. Particular attention was focused on the issue of information disclosure, as this is one area with relevant governing legal provisions. With regard to the drafting of the code of conduct for journalists on reporting sexual exploitation and trafficking in children and women, the process has proceeded through informal discussions with organisations and lawyers, as well as senior journalists and victims. Lastly, the government issued a circular suggesting avoidance of using pictures of sexually abused children in daily newspapers.<sup>196</sup> Though media coverage can be an important method of ensuring that CSEC issues are brought to the attention of the general public, this coverage can also serve to re-victimise child victims and inhibit their capacity to reintegrate into their communities. Thus, media sensitivity programs such as this Forum serve an important role in child protection mechanisms.

ATSEC Bangladesh facilitates advocacy, creates awareness and social mobilization, provides technical support, initiates research and programme support activities at the grassroots, sub-national, national and regional levels to combat trafficking in women and children. It also works to develop capacity building among NGOs to establish contacts and facilitate networking and linkages among individuals as well as organisations concerned about the issue of trafficking and sexual exploitation of women and children. As a part of advocacy and awareness-raising among the general population in remote areas within the country, ATSEC has selected some NGOs at the grassroots level willing to work on the same issue. ATSEC has established a National Resource Centre to educate people and disseminate posters and leaflets on anti-trafficking activities and sexual exploitation

in children and women. Through seminars and workshops, ATSEC is also working as a programme group to sensitise and mobilise those involved in policymaking. ATSEC Bangladesh also promotes additional awareness raising, research, repatriation, rehabilitation and reintegration programmes through its member organisations.<sup>197</sup>

In July 2010, a book launching ceremony titled "State of Trafficking in Women and Children and their Sexual Exploitation in Bangladesh" was organised by the Centre for Women and Children Studies (CWCS), with the collaboration of ANESVAD Foundation. The results of the study conducted by CWCS offer insights into the trafficking of women and children based on incidents in 38 districts of Bangladesh, formulated to provide useful lessons to help combat trafficking.<sup>198</sup>

## Street theatre to combat trafficking

Bangladesh Institute of Theatre Arts conducts innovative awareness-raising activities through street theatre. The group brings awareness of trafficking and sexual exploitation of girls and boys to the village level by training and mobilising local street theatre groups throughout the country.<sup>199</sup> In addition to providing a creative and entertaining way of raising public awareness, such activities also empower children to participate in addressing an important social issue and express themselves creatively in a socially valuable way. Such activities thus further both prevention and child and youth participation objectives outlined in the Rio Declaration and the OPSC.



## Child pornography

There have been no focused activities in Bangladesh to address the use of children in the production of child pornography.

INCIDIN Bangladesh is reported to be the only organisation currently working to counteract and prevent the growing demand for child abuse images by domestic and especially foreign consumers.<sup>200</sup> However, there is little available information about the extent of the organisation's activities.

To celebrate the 2009 World Telecommunication and Information Society Day, the South Asia Mobile Forum (SAMF) organised a round table discussion

on "Protecting the child in cyber space" in Dakha. The discussion was attended by personnel from the telecom sectors and internet service providers, as well as representatives from the government and journalists. Topics addressed during the roundtable included cyberspace and cyber criminality; protecting children in cyber space; practical tools to help minimise risk to children; and present scenarios of the exposure to cyberspace of Bangladeshi children.<sup>201</sup>

## Child sex tourism related offences

Bangladesh has no programme activities that directly address sexual exploitation of children in travel and tourism.

As the government expands efforts to grow the tourism industry in Bangladesh, it is important to develop a plan to protect

children from possible exploitation by new tourists and encourage tourist operators to adopt the Code of Conduct.

## Other issues

The Government has launched a campaign to stop early marriage. The interventions include advocacy and publicity through electronic and print media. The Ministry of Information has produced and telecasted 20 short dramas on early marriage. The government also offered stipends for girls' school expenses if parents promise to delay their daughters' marriage until at least age 18.<sup>202</sup> A number of NGOs are also working against early marriage and dowry.<sup>203</sup>

With regard to birth registration, the Government engaged local NGOs in 2008 to register children, mostly of sex-workers, in brothels. A Birth Registration Form has been circulated to local registrars and, by 2008, 82 percent of children were registered. In 2009 a plan was formulated to register children in remote areas, and children belonging to minority groups in 2009.<sup>204</sup>

# PROTECTION

## International and Regional Children's Rights Legal Standards

International Instruments			
Human Rights Bodies and Instruments related to Child Rights	Comments		
<b>Charter-based bodies</b>			
Working Group on the Universal Periodic Review (UPR)– Human Rights Council	2009 UPR Recommendations included: - Take steps to further strengthen the National Human Rights Commission and the Anti-corruption Commission to ensure that they will be able to operate independently and effectively - Intensify its efforts to protect children from early and forced marriages; amend legal provision concerning the transfer of citizenship to children of women in mixed marriages		
Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography	No visit		
Special Rapporteur on Trafficking in Persons, Especially Women and Children	No visit		
<b>Treaty-based bodies</b>			
<b>Committee on the Rights of the Child</b>			
CSEC Children's rights instruments	Date of Ratification/ Accession	Reservations	Date of submitted Report
Convention on the rights of the child (CRC)– 1989	1990	Article 14(1) (freedom of thought, conscience and religion and Article 21 (adoption)	2007
Optional protocol on the sale of children, child prostitution and child pornography (OP-CRC-SC) – 2000	2000		2005 – Initial report
ILO Minimum Age Convention – 1973 (No. 138)	No		
ILO Convention on the Worst Forms of Child Labour – 1999 (No. 182)	2001		
UN Convention against Transnational organized crime – 2003	No		
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol) – 2000 (supplementing the UN Convention against transnational organized crime)	No		
<b>Regional Instruments</b>			
South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution	2002		
SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia	2002		

Primary laws addressing CSEC in Bangladesh are the Penal Code (1860), the Suppression of Immoral Traffic Act (SITA) (1933), the Children Act (1974), the Suppression of Violence against Women and Children Act (SVWCA) (2000, amended in 2003), also known as the Prevention of Repression against Women and Children Act. None of these laws properly defines and criminalises CSEC-related offences, and there are still major gaps between the international standards and national laws. Boys are often left without legal protection. In particular, the Penal Code dates back to 1860 and must be substantially amended to cover child prostitution, child pornography, trafficking in children and child sex tourism. Children, additionally, can consent to sexual acts from the age of 16, and this may encourage the commercial sexual exploitation of children. The SVWCA is designed to address a variety of common offences against women and children; it establishes punishments for those convicted of committing crimes of violence, including some forms of child sexual abuse and exploitation against children, such as the sale of children, prostitution and child pornography. However, this law defines a child as a person under the age of 16 years (before the 2003 amendment, a child was a person under 14 years); consequently, children between 16 and 18 are not covered by its provisions.

## CHILD PROSTITUTION

None of the Bangladesh laws specifically defines child prostitution in line with the Optional Protocol. Though left undefined, the Penal Code does criminalise buying child prostitution, but only involving girl children. There are other provisions under the Penal Code that apply to child prostitution, but ambiguous terminology like “illicit sexual intercourse,” normally interpreted as sexual relations outside marriage, fail to fully protect child victims. Moreover, most provisions only refer to girls, leaving the issue of boys exploited for prostitution unaddressed.

### Boys inadequately protected by laws addressing prostitution

The laws related to exploitation of children through prostitution in Bangladesh provide significantly less protection to boys than girls. Rather than protecting them, current law puts them at the risk of being prosecuted under the Sodomy Act.<sup>205</sup> The Penal Code Section 366A, “Procuration of minor girl,” establishes that whoever, by any means, induces any girl under 18 years to go from any place or to do any act with intent that such girl may be forced or seduced to illicit intercourse with another person shall be punishable with imprisonment up to ten years and a fine.<sup>206</sup> This provision does not protect boys. Other sections prohibit buying, selling or obtaining possession of a girl under 18 years for the purpose of prostitution. In Section 3(5) of SITA, a “prostitute” is defined as “any female available for the purpose of prostitution,” and a “brothel” is defined as a place where two or more women engage in prostitution, or where a child under 18 is kept for the purposes of prostitution. Thus, SITA effectively denies the existence of boys exploited through prostitution and brothels involving boys in exploitative acts. Section 12 of SITA focused on “causing or encouraging or abetting the seduction or prostitution” of a child only refers to girls. Boys are equally covered under solicitation provisions, however. SITA penalizes any person – adult or child, boy or girl – for solicitation in Section 7, thus effectively making boys who are sexually exploited offenders while denying them equal protection from being victimized. The Children Act does little to remedy the problems of the Penal Code and the SITA.<sup>207</sup> However, there are some provisions with general application that could apply to boys (see paragraphs below).

Section 373 of the Penal Code, “Buying Minor for Purposes of Prostitution” states that whoever buys, hires or otherwise obtains possession of any person under the age of 18 years with intent that such person shall be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, shall be punished with imprisonment for up to ten years and a fine.<sup>208</sup> This provision is not in line with the Optional Protocol, for it does not define child prostitution. The law does not criminalise all acts of offering, obtaining, procuring and providing a child for prostitution. Moreover, recruiters and those who own or manage premises where prostitution occurs are not criminalised.

SVWCA, Section 6 criminalises acts with the intention of engaging a woman or child (boy or girl under the age of 16) in prostitution. The law does not cover children between 16 and 18 years. SITA, although

generally superseded by SVWCA, has the advantage that children are defined as below the age of 18 years. SITA prohibits prostitution of women under the age of 18 years, but does not cover boys. SITA Section 3(4) defines prostitution as “promiscuous sexual intercourse for hire, whether in money or kind” and does not reflect the definition of prostitution in the Optional Protocol.

Sections 42 and 43 of the Children Act penalise encouraging and exposing a girl under 16 years old to seduction or prostitution. Section 44, on the exploitation of child employees, states that anyone who secures a child for menial employment in a factory or other establishment but “exposes the child to the risk of seduction, sodomy, prostitution or other immoral conditions” is punishable. It is worth noting that, unlike Section 44, Sections 42 and 43 address only girls below 16. However, all three sections exclude all children between 16 and 18 from protection.

## Prostitution as a livelihood is not illegal in Bangladesh

In March 2010 the Bangladeshi High Court ruled that prostitution as a livelihood is not illegal in the country. The judgement is highly unusual, because it makes Bangladesh one of the few Islamic countries which do not ban prostitution.<sup>209</sup> The court order followed the eviction of hundreds of sex workers from three brothels. But the ruling was then suspended by the Bangladesh Supreme Court, which is also considering whether it will hear an appeal by the government against the ruling. The law minister said the Supreme Court order meant that prostitution is generally forbidden but would be tolerated in some areas designated for that purpose.<sup>210</sup>

The Metropolitan Police Ordinance, first enacted in 1976 in Dhaka, prohibits soliciting for prostitution. Later, the cities of

Chittagong, Khulna and Rajshahi made the similar provisions.

## CHILD TRAFFICKING FOR SEXUAL PURPOSES

Bangladesh does not have a comprehensive law to combat trafficking in children and is not a party to the Trafficking Protocol. The SVWCA is the primary law addressing trafficking, although it does not contain a clear and comprehensive definition of the term. Other major anti-trafficking laws are the Penal Code, the SITA and the Children Act. Prescribed penalties under these statutes range from 10 years’ imprisonment to the death penalty. Trafficking in children for “immoral or illegal purposes” carries the death penalty or life imprisonment, but in most cases the traffickers and their agents are rarely prosecuted.

The Penal Code prohibits the selling and buying of a child under the age of 18 for prostitution in Articles 372 and 373. Section 372 says that whoever sells, lets to hire or otherwise disposes of any person under the age of 18 years with intent that such person shall be employed or used for the purpose of prostitution or illicit intercourse with a person or for unlawful and immoral purposes shall be punished by imprisonment for up to ten years and a fine.<sup>211</sup> The Penal Code also indirectly addresses trafficking through its section on kidnapping. Under Section 364A, kidnapping or abduction of a child under 10 with the intent that the child will be “subject to the lust” of another person, is punishable with at least 14 years imprisonment and up to life imprisonment or the death penalty.<sup>212</sup> Section 366B establishes that whoever imports into Bangladesh from a foreign country a girl under 21 years of age into Bangladesh with the intent that she be forced or seduced into having illicit intercourse with another person shall be punished by imprisonment for up to ten years and a fine.<sup>213</sup> Though these provisions do form a legal basis for the prosecution of trafficking

offences, definitions do not conform to the requirements of the Trafficking Protocol.

Bangladesh prohibits the trafficking of women and children for the purpose of commercial sexual exploitation under SVWCA, as amended in 2003. The law provides for severe measures including death penalty and life imprisonment for the crime of rape, abduction and dowry and trafficking related violence. According to the provision of Section 6, any person who brings in from abroad or sends out of the country any child, or deals in buying and selling children with any illegal or immoral purpose, or takes possession of, keeps in his/her own custody with the said purpose, he/she shall be liable for the punishment of death or rigorous imprisonment for life and also shall be liable to a fine.<sup>214</sup> The law also makes it an offence to kidnap a woman or child. The law addresses “women and children,” but a child is defined as a person below 16 years of age. Accordingly, boy victims of trafficking between the age of 16 and 18 are not protected by this law.

The penalty for trafficking in the SVWCA is very severe: death or life imprisonment. However, the effect of such stringent provisions has been limited, because judges are reluctant to impose such harsh punishments on perpetrators, resulting in low conviction rates. In 2008, the special courts dealing with incidents of repression against women and children arrested 120 persons on sex trafficking charges and disposed of 66 trafficking cases.<sup>215</sup> Of those cases, 37 persons were convicted, and 26 of them were sentenced to life imprisonment.<sup>216</sup> The government also initiated 134 sex trafficking investigations and prosecuted 90 suspected sex trafficking cases.<sup>217</sup> In 2009, the government obtained convictions for 32 sex trafficking offenders and sentenced 24 of them to life imprisonment.<sup>218</sup> The government prosecuted 68 cases involving suspected sex trafficking offenders and conducted 26 investigations.<sup>219</sup> Forty-nine prosecutions resulted in acquittals; however, Bangladeshi law also classifies as “acquittals” cases that end because of settlement or witnesses that fail to appear in court. By 2010, convictions had increased to 42 for sex traffickers, including 24 life sentences under Sections 5 and 30 of the Repression of Women and Children Act.<sup>220</sup> The actual number of persons arrested for trafficking is difficult to assess, as charges against traffickers sometimes cited lesser crimes, such as crossing borders without proper documents.<sup>221</sup> In practice, laws addressing trafficking are infrequently used when a trafficker is apprehended at the India-Bangladesh border. Studies by two Bangladesh NGOs, *Unnayan Bikalper Nitinirdharoni Gobeshona* (UBINIG) and the Bangladesh National Women Lawyers Association (BNWLA) found that arrested traffickers are usually charged under the Bangladesh Passport Order 1973, with the minor offence of crossing the border without a passport. This offence imposes a minimal fine and allows immediate release from custody.<sup>222</sup>

Most sex trafficking cases are prosecuted by the 42 special courts for the prosecution of crimes

of violence against women and children spread throughout 32 districts of the country, which are generally more efficient than regular trial courts.<sup>223</sup> But, in general, the Bangladeshi judicial system is plagued by a large backlog and delays caused by procedural loopholes. Additionally, there is evidence of official complicity in human trafficking. Several NGOs reported a nexus among members of parliament and corrupt recruiting agencies and village level brokers and indicated that politicians and regional gangs were involved in human trafficking.<sup>224</sup> It is imperative for Bangladesh to perform a thorough assessment of these systemic problems in the administration of trafficking cases to ensure that disagreement about the appropriateness of penalties under trafficking laws do not contribute to undermining the rule of law in Bangladesh and creating a culture of impunity among traffickers.

### **Bangladeshi children trafficked into Pakistan were held under the Hodood ordinance**

A number of Bangladeshi women and children who were trafficked into Pakistan and were subject to commercial sexual exploitation were held under the Hodood Ordinance. This Ordinance criminalises *Zina*, which is defined as extra-marital sex, including adultery. It also criminalizes *Zina-bil-jabr*, which is defined as rape outside of a valid marriage. To meet the burden of proof for establishing *Zina* and *Zina-bil-jabr* liability, there must be either a confession or at least four Muslim male witnesses. In many cases of rape, if registered by the police at all and if the victim is unable to prove that the rape occurred, the court takes the rape victim's statement as a confession of adultery, which results in the rape victim receiving punishment under these laws. It was reported that Bangladeshi women and children victims of trafficking were held under the provisions of this Ordinance. The victims were later recovered and repatriated to Bangladesh.<sup>225</sup>

#### **CHILD PORNOGRAPHY**

#### **CHILD ABUSE IMAGES**

There are no specific laws against child pornography in Bangladesh. The country's legislation regarding pornography, from the Penal Code, forbids the possession or production of pornography and is primarily concerned with protecting the public from the sale and distribution of "obscene" or "immoral" materials. The legislation does not mention sexual abuse or exploitation of children in pornography. While the Penal Code can protect children from the effects of exposure to pornography through its prohibition against selling pornographic materials to children under 20, it does not protect children from the sexual violence inherent in producing pornography. There are currently no laws to protect children from pornography transmitted through electronic media.<sup>226</sup>

Section 292 of the Penal Code prohibits the sale, hire, distribution, public exhibition or circulation of obscene books, pamphlets, papers, drawings, paintings, representations or figures and the import and export of obscene objects.<sup>227</sup> Section 293 of the Penal Code states that whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object shall be punished with

imprisonment of up to six months, with a fine, or both.<sup>228</sup> The SVAWCA criminalises the intent of "immoral" use of a child, under which pornography can also be an offence.

These provisions fail to define child pornography in line with the Optional Protocol. Terms such as "obscene" and "immoral" are vague and offer little guidance about what materials would apply under

the law. The legislation does not address the wide range of activities that should be treated under child pornography law, such as possessing, accessing, viewing, and producing. Virtual pornography and grooming are

not criminalised. Additionally, there are no reporting obligations for internet providers or professionals that may be exposed to child pornography through the nature of their work.

### **Moving toward approval of pornography law:**

Bangladesh's cabinet has approved the country's first ever pornography law after public scandals over a string of celebrity sex tapes, according to official reports. Prime Minister Sheikh Hasina's government said it would introduce a draft law in parliament to make production and distribution of pornography punishable by up to ten years in jail. This draft law is currently referred to as the Pornography Control Act 2011.

"We don't have any laws now to prosecute criminals who make pornographic materials and spread them through the Internet and mobile phones," a government spokesperson told AFP.<sup>229</sup> "We hope the new law will prevent immoral behaviour," he said, adding that pornography had become a "social disease" in the conservative, Muslim-majority country. The timeline for final passage is still unclear.

## **EXTRATERRITORIAL LEGISLATION WITH REGARD TO CHILD SEX TOURISM RELATED OFFENSES**

Bangladesh has no legislation directly addressing sexual exploitation of children in travel and tourism; however, Section 3 of the Penal Code does include quite sweeping provisions granting Bangladeshi courts extraterritorial jurisdiction over any Bangladeshi citizen, or a person or ship registered in Bangladesh, for any offence committed abroad that violates Bangladeshi law.<sup>230</sup>

## **EXTRADITION LAW**

The Extradition Act (1974) designates some offences against children as extraditable, but only to and from a state with which Bangladesh has a treaty agreement. The government of Bangladesh may enter into agreements or treaties with other countries and repatriate offenders when they are traced across national borders. The Extradition Act applies only for Thailand.<sup>231</sup>

The schedule of the Extradition Act presents a list of extraditable offences,<sup>232</sup> such as rape, procuring or trafficking in women or young persons for immoral purposes, kidnapping, abduction, stealing, abandoning, exposing or unlawfully detaining a child. The law is

not limited to specific offences but can be extended to cover any offence agreed upon between the treaty states. The Act does not include all offences referred to in the Optional Protocol.

Under the Child Marriage Restraint Act (1929), child marriage is a punishable offence. A child is defined as a male under 21 years of age and a female under 18 years of age. The Act stipulates punishment for people directly involved in solemnizing a child marriage and the parents or legal guardians who permit a child marriage.

The Births and Deaths Registration Act (2004) specifies strict guidelines for births and deaths registration. The cabinet has recently approved the Citizenship (Amendment) Act (2009), giving equal

rights to both Bangladeshi men and women married to foreigners to obtain citizenship for their children. Before this amendment only the children of male Bangladeshis were eligible for citizenship, but now this right is also accessible to female Bangladeshi citizens.

Complementary laws that aim to create a preventive environment against the exploitation of children are the Dowry Prohibition Act (1980) and the Labour Act (2006).

## Child protection units

There are no police units in Bangladesh specifically focusing on issues of commercial sexual exploitation of children, nor is there a specialised law enforcement unit dedicated to investigating Internet-facilitated crimes against children and to identifying victims found in child sexual abuse images. However, a Police Monitoring Cell in Dhaka and local level committees has been established to monitor cases of human trafficking.

### The Police Monitoring Cell

A Police Monitoring Cell at the Police Headquarters in Dhaka, established in 2004, serves as a centre for data collection from the country's 64 district police headquarters. The Cell focuses only on human trafficking, not on other aspects of sexual violence. However, information gathered regarding trafficking includes trafficking in women and children, arrests of criminals and rescuing trafficked persons. The Cell also assists in the prosecution of cases as well as rehabilitation of victims and follow-up on the progress case resolution. Collected data are updated daily by all 64 district police, as there are local level committees monitoring the issue.<sup>233</sup> These committees transmit to the national monitoring agency in Dhaka daily progress reports on arrests, convictions, acquittals, and repatriation of trafficked victims.<sup>234</sup> In addition, the Monitoring Cell routinely provides comprehensive updates to the Ministries of Home Affairs and Foreign Affairs. Although a lack of resources hindered investigations, the government maintained anti-trafficking police units in all 64 districts to encourage victims to testify against their traffickers and to compile data on trafficking.<sup>235</sup> In 2008, the government created a 12-member police anti-trafficking investigative unit that complements an existing police anti-trafficking monitoring cell.<sup>236</sup>



## Model police station

The Government is planning to improve police administration by testing a model thana (police station) development concept. The goal of this new type of thana would be to standardise law enforcement administration by inducing behavioural change to increase people-friendly processes. Children's issues are expected to be addressed with special care under the initiative.<sup>237</sup>

The Children Act defines roles and responsibilities of juvenile courts to ensure protection of all kinds for children, either as offenders or victims.<sup>238</sup> The Children Act addresses a wide range of care and protection issues related to destitute and neglected children, including juvenile offenders and offences related to the commercial sexual exploitation of children. Section 32 of the Act states that a Probation Officer or Police Officer can intervene and bring the child before the juvenile court if any child is found in the company of a sex worker, living in or frequenting a brothel, and in cases in which the child is not the child of a sex worker in the establishment or is "likely to fall into bad associations or to be exposed to moral danger or to enter upon a life of crime."<sup>239</sup> The court may send the child to the care of a relative or

any other fit person, or to an approved home.

Under the SVAWCA, 42 Special Tribunals have been established in 33 districts and a Special Judge has been posted to each tribunal for trying cases related to violence against women and children, including trafficking. Special Public Prosecutors have been designated in each tribunal to administer the cases. At national level, a Deputy Attorney General has been appointed to handle cases related to trafficking in women and children in order to facilitate the quick disposal of such cases.<sup>240</sup> Offences mentioned in the SVAWCA, if committed within the territory of Bangladesh, are subject to trial by the special tribunal according to a special procedure as constituted under section 26 of the Act.

## Lack of child-friendly court procedures

In terms of child friendly court procedures, there is no consistent practice of allowing children to provide testimony "in camera", or in any other child friendly way, making it particularly difficult for child survivors to describe their experience in open court. In general, the judiciary is not always child sensitive and children may be victimised in the investigation process. Children, especially girls, may also face embarrassing questions from defence lawyers. Courts do not protect child witnesses; therefore, witnesses often face threats and intimidation from perpetrators and, as a result, may not appear in the court. Many cases also get resolved through "compromise," in which perpetrators pay child survivors to avoid legal action. Moreover, there remains a lack of victim and witness protection procedures.<sup>241</sup>

## Support services for children

Shelter, recovery, and reintegration programs, including skill and vocational trainings for survivors, are weak in Bangladesh, largely due to a lack of adequate funding and skilled human resources. Child victims do not have access to services such as psychosocial counselling, case management, confidentiality and referrals.<sup>242</sup> The government has set up one-stop crisis support centres at the divisional level, but these centres are not child friendly or specially targeted to children. They are not available at district or lower levels, and the majority of people do not have access to them. Most shelters in Bangladesh serve girls and women, and considering the number of sexually abused and exploited boys in Bangladesh, the country does not have a sufficient number of shelters where boys can go for refuge or rehabilitation.<sup>243</sup> Several national NGOs provide various services for children in need of protection from abuse, exploitation and trafficking. A number of NGOs operate residential safe homes for child victims of commercial sexual exploitation and abuse.

ACD provides institutional care and support through a Shelter Home and Drop-in-Center for child and women victims of cross border and internal trafficking and other forms of commercial sexual exploitation, as well as children from vulnerable groups. ACD provides protection and care services, such as rescue/release, repatriation, healthcare, psychosocial counselling, formal and non-formal education, self-expression through creative arts, and job placement services. Since 2008 to 2010, ACD provided 285 trafficking and 45 CSEC survivors with institutional care and protection services. However, resource and skill limitations continue to hamper efforts to ensure

reintegration through a sound, scientific case management process.<sup>244</sup>

The Department of Social Services (DSS), under the Ministry of Social Welfare, is responsible for implementing child protection programmes at the local level. It provides social protection, social safety nets and other development activities for children at risk.<sup>245</sup> The DSS run 74 orphanages but they are barred to children without a registered father. The lack of a father's name has serious implications for the future of the children with only a registered mother, which begins from their ineligibility for birth certificates.<sup>246</sup>

### One-Stop Crisis Centres (OCC)

The MoWCA has established One-Stop Crisis Centres (OCC) affiliated with medical colleges in six divisions to provide required services to victims of violence, in collaboration with selected NGOs. Women and child victims of violence, sexual abuse and trafficking receive emergency medical treatment, police assistance, and shelter facilities in Safe Custody Homes through the OCC.<sup>247</sup> Victims are directly linked with NGOs for legal aid, psycho-social counselling and, if necessary, safe shelter.<sup>248</sup>

The Department of Women Affairs under MoWCA operates nine safe homes in different areas in the country for women and children victims of violence. The centres, in cooperation with NGOs, provide psychosocial counselling, legal aid, recreation, basic education, trainings and

medical treatment as well rehabilitation and reintegration.<sup>249</sup> The Ministry of Expatriate Welfare and Overseas Employment operates shelters for female Bangladeshi victims of trafficking and exploitation in Riyadh and Jeddah.<sup>250</sup>

## Child trafficking victims not effectively supported

The 2010 *Trafficking in Persons Report* found that law enforcement personnel in Bangladesh encouraged victims of trafficking, when identified, to participate in investigations and prosecutions of their traffickers, but there is no data about the number of victims who assisted in investigations and prosecutions of traffickers.<sup>251</sup> Such data was also unavailable for the 2011 Report. According to this source, authorities do not hold victims criminally liable for acts resulting from their being trafficked. However, when space is lacking in shelters, female trafficking victims were sometimes forced to stay in jails as wards of the system.<sup>252</sup> Additionally, street children and children involved in prostitution are sometimes incarcerated because of the expansive discretionary authority of law enforcement.<sup>253</sup>

The government provides legal assistance to victims of sexual abuse and exploitation, including trafficking, through a Legal Aid Cell to ensure their access to justice. In 2008 the police established a victim support centre to provide legal advice and a short-term shelter facility for the victims of trafficking and other forms of violence.<sup>254</sup> Besides this, several NGOs have been providing legal

assistance that includes legal counselling, mediation, arbitration and litigation services, observing the situations of victims in jails or safe custody, and rescuing and repatriating victims. NGOs also work to sensitise and build capacity of the judiciary and law enforcement and work with survivors and their families to ensure charges are filed in the courts and not withdrawn.

The 2011 *Trafficking in Persons Report* from the US State Department reports that 137 trafficking victims (83 adult women, zero adult men, and 54 children) were rescued by NGOs or law enforcement in the preceding year, but there was no data on the number of victims referred to shelters. These numbers show an increase from the prior year, which included only 68 victims. The government still lacks dedicated shelters or support services for trafficking victims; however, it does operate nine homes for women and children victims of any kind of violence, including trafficking, as well as a “one-stop crisis center” in a Dhaka hospital.<sup>255</sup> During 2009, 384 victims were served by government and NGO care facilities.<sup>256</sup> Some of the rescued victims remained in government homes or at NGO-run shelters and received social and vocational skills training. Children may be forced to remain in safe custody or at NGO shelters for long periods of time as trials usually progress at a slow pace.<sup>257</sup>

In addition to state and NGO work, there are a number of beneficial community-led initiatives on child protection; however, these structures need better coordination. Some Bangladeshi organisations of sex workers, such as Ekota Mahila Samity, work to monitor new recruits into the sex industry to ensure that children are not being exploited and to rescue them from such situations.<sup>258</sup> Imams have also been trained to disseminate information on child trafficking during Friday prayers.<sup>259</sup>

INCIDIN Bangladesh, through the project “Safe Night for Street Boys,” creates space for street boys exploited in prostitution to access safe shelter, school, healthcare and clothing (see Prevention section, p. 28).<sup>260</sup> “Misplaced Child Shelter Home,” based in Dhaka City, assists street children directly engaged in prostitution in Dhaka city. The project works with 120 girls and 60 boys involved in child prostitution, focusing on improving their living standard, including both physical and emotional elements.<sup>261</sup> Ain o Salish Kendra (ASK) is working with children vulnerable to abuse and exploitation. It offers health, educational support and legal protection to working children who register for educational activities at its drop-in-centres. ASK provides registered children with free basic health care facilities under an agreement with Dhaka Community Hospital and bears the cost of prescribed medicines

or surgery. The Legal Aid Unit responds to any referrals received regarding working children; these may concern allegations of exploitation, sexual abuse or violence.<sup>262</sup> Supported by Save the Children Sweden and Denmark, BNWLA runs a safe shelter home in which it provides counselling facilities, medical treatment, food, clothing and various vocational training for children who have been abused.<sup>263</sup> Voluntary Action for Society (AVAS) runs a drop-in-centre funded by UNICEF’s HIV/ AIDS programme. Under the programme, sex workers have access to condoms, health services, counselling and education on HIV/AIDS.<sup>264</sup>

A helpline for children has also been established, and, in a few cases, authorities have taken action on complaints originating from this line.<sup>265</sup> Nevertheless, the current helpline is not toll-free, does not operate 24 hours or daily and is not accessible to all children.<sup>266</sup> Some networks and NGO have made attempts to nationalise access to reporting through 24-hour toll-free hotlines, but awareness of these hotlines and the capacity of the actors responding to the calls are limited.<sup>267</sup> There have also been recent efforts in South Asia to standardise hotline numbers to facilitate reporting by trafficking victims or individuals with relevant information throughout the region. Currently, Nepal, India, Bangladesh, and Bhutan use hotline number -1098.<sup>268</sup>

## Development of minimum standards and procedural case management for trafficked children

The Government of Bangladesh is working in cooperation with UNICEF and partners to develop minimum standards of care and protection for residential care. UNICEF and partner NGOs will develop a system of administrative and procedural case management of rescued children by government authorities and NGOs. Shelter-based care and protection case management is also being developed and piloted by NGOs. Further plans include: the development of guidelines and training materials on methods for child-friendly interviewing and information-gathering on family identity; standardized guidelines and protocols for family tracing; and guidelines on protection and risk assessment.<sup>269</sup>

## Trafficking and HIV/AIDS linkages

The UNDP report “HIV/AIDS and Mobility in South Asia” released in November 2010 offers analysis and recommendations to address current HIV and migration trends in seven countries of the South Asia sub-region. The unsafe conditions under which people migrate expose them to a greater risk of infection. In Bangladesh, 67 percent of identified HIV positive cases are returned migrant workers and their spouses. The report suggests that Bangladesh nationals returning from regions of high HIV prevalence, whether victims of cross-border trafficking or migrants returning from jobs overseas, may also be at higher risk. Trafficking of women and children from Bangladesh to India is one of the most serious issues to be addressed. HIV/AIDS support services and treatment for migrants and survivors of trafficking in Bangladesh are largely absent and must be accelerated.<sup>270</sup>

## Training law enforcement personnel

Though training programmes on children’s rights are available to law enforcement agencies and legal practitioners, holistic capacity building programmes have yet to be carried out. The government worked with legal experts to provide specialised training to prosecutors and with the IOM to develop an anti-trafficking course for the National Police Academy. The government is developing a new curriculum for law enforcement agencies to deal with the issues relating to sexual abuse and exploitation of children.<sup>271</sup> In 2009, one NGO report stated that law enforcement trainings have not resulted in an increased number of prosecutions or a large shift in perspective among officials. Capacity building on investigating and prosecuting child pornography offences is also lacking.<sup>272</sup>

## Training manual “Building Capacity on Care and Support for the Victims of Trafficking.”

IOM and the MoHA jointly launched a training manual in July 2010 for “Building Capacity on Care and Support for the Victims of Trafficking.” The manual is meant to develop the capacity of government officials, specifically on care for victims of trafficking. The content includes national and international legal provisions and addresses the whole process from identification of trafficking victims to providing psycho-social support to survivors of trafficking and helping them reintegrate into society. This manual has been developed under the IOM project Prevention and Protection of Victims of Human Trafficking in Bangladesh. A group of 51 master trainers from Bangladesh Police and the Department of Social Services have already been trained and will in turn train 1,250 district government officials and representatives of law enforcement agencies in the 22 districts prone to human trafficking.<sup>273</sup>

The IOM through its partner NGOs is also conducting seminars with members of the police, Bangladesh Rifles and VDP Ansar (para-military units) to improve the investigation and interview techniques and

co-operation and co-ordination amongst them to prevent trafficking.<sup>274</sup>

The Ministry of Home Affairs has been implementing training projects for border

security forces and other law enforcement agencies at different levels. A significant amount of information, education and communication materials has also been produced by MoWCA and MoHA for raising awareness among law enforcement to combat trafficking.<sup>275</sup>

Trainings for judges on juvenile justice were organized at the Judicial Administration Training Institute with the support of UNICEF. Police officers and lawyers have also been trained on child rights and justice

for children. The training is being expanded through the Bangladesh Bar Association. Teachers from public universities are also being trained on child rights. The Bangladesh Public Administration Training Centre is providing training to entry, mid and senior level Government officials on child rights and justice for children's issues. Officials of various institutions under the DSS were also provided training on child-friendly behaviour. Currently, training on Basic Social Services and Professional Social Services are being organised for social workers.<sup>276</sup>

## UNICEF Resource Pack of Rescue, Recovery, Repatriation and Integration

In 2010 UNICEF South Asia circulated a Resource Pack of Rescue, Recovery, Repatriation and Integration (RRRI) materials among government officials, NGO workers, police, lawyers, immigration officers and those working in detention centres, care workers, social workers, shelter staff, counsellors, guardians and community workers. The RRRI pack examines the Rescue, Recovery, Repatriation and Integration, not just of children who have been trafficked, but of any children who are in exploitative or abusive situations. The materials in the pack were created within the specific contexts of India and Bangladesh, and contain references to the situation in these two countries.<sup>277</sup>

In 2007 the Foreign Ministry issued new instructions to all consular staff worldwide on how to handle trafficking cases abroad and introduced anti-trafficking training courses for director-level officials. Seventeen foreign ministry officials and officials from the Ministry of Expatriates' Welfare received training to protect trafficking-in-persons victims.<sup>278</sup> The Ministry of Foreign Affairs produced and disseminated among Bangladeshi diplomatic missions abroad a new circular entitled "Guidelines for Bangladesh Missions Abroad to Combat Trafficking in Persons." The government also trained its peacekeeping troops on trafficking issues before deploying them for missions

abroad.<sup>279</sup>

According to Government information, the course on combating trafficking has been integrated into the regular training curricula of police training institutions.<sup>280</sup> In this framework, the country's National Police Academy provided anti-trafficking training to 2,876 police officers in 2009. The twelve police officers of the Ministry of Home Affairs' "Trafficking in Human Beings Investigation Unit" also received training on investigation techniques.<sup>281</sup>

Despite this increase in training initiatives, reports indicate that the judiciary is still

not child friendly. NGOs working in the field encounter children who have been harassed in the investigation process and there remains no victim or witness protection program or avenues for children and their families to seek redress from offenders in positions of power or from organised criminal networks.

Reported problems include:

- Lack of knowledge among law enforcing agencies on a wide array of legislative/policy initiatives in respective jurisdictions to combat trafficking
- The Women and Children Repression Prevention Act 2000 did not incorporate anything about the security and protection of witnesses in litigation involving trafficking before, during or after trial
- Slow pace of investigation and prosecution
- Unwillingness of some officials to conduct investigations or pursue criminals across international borders
- Releasing defendants on bail leads to the escape of traffickers<sup>282</sup>

## CHILD AND YOUTH PARTICIPATION

The principle of child participation in Bangladesh is a relatively new concept and is not commonly practiced. Traditionally, children were not involved in decision making processes in Bangladesh and lacked a presence in political spheres.<sup>283</sup> However, children did participate in preparing both the National Plan of Action for Children (2005-2010) and the National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking.<sup>284</sup> Several consultations with children were also held during the preparation of the National Social Policy on Alternative Models of Care and Protection for Children in Contact with the Law. Children in Bangladesh are also active members of the ECPAT Youth Partnership Programme (YPP), and in 2010 they carried out a range of activities. Peer activities and youth groups have been effective in raising awareness among young people on CSEC related issues.

The National Plan of Action for Children identifies child participation as one of its overarching strategies in the following terms: “Children will be involved in making decisions and in the organisation and management of activities affecting their lives, and will not be treated just as passive beneficiaries or recipients of services.”<sup>285</sup> Section 6, covering protection from abuse, exploitation and violence, requires the development of programme strategies to ensure the participation of children from different socio-economic groups in planning,

implementing, monitoring and evaluating child-related protection policies and programmes. The Plan also mentions that children should have access to information about their rights and be able to report any child protection issues. The information should be disseminated through child participation groups and other channels.<sup>286</sup>

In March 2010, Youth Motivators and 24 Peer Supporters of the YPP team participated in the Leadership Trainings. Similarly, YPP Teams took part in a National

Consultation on Children in Contact with the Law. They held an important discussion in the presence of the Minister of Law, Justice and Parliamentary Affairs. YPP youth actively participated and expressed their opinion on the ratification of the Child Act 2010. The YPP team also organised a Participatory Monitoring and Evaluation workshop in April with the participation of 27 Core Group members, 20 Peer Supporters, 4 Youth Motivators and 20 Caregivers.

As in other South Asian countries, the number of child-led organisations and children's organisations, where boys and girls work closely with children and community members to promote and educate them on child rights is growing in Bangladesh. Innovative methods to raise awareness among children and involve children as partners in decision-making processes related to CSEC have been implemented. These include participatory approaches aimed at imparting information, knowledge and skills to children about their rights, and also about the dangers of sexual exploitation. Techniques include theatre for development, art for participation, experiential learning games and folk media.<sup>287</sup> Child-focused NGOs are also facilitating the establishment of children's organisations and involve children in their researches.

Children's Congress and Child Brigade are child-led organisations in Bangladesh, in which girls and boys are actively involved in project design, monitoring and evaluating projects on children's rights issues in their communities. Breaking the Silence has developed groups of adolescent girls and boys to impart messages about child sexual abuse through a child-to-child approach. They inform their classmates and arrange discussions with children in their communities.<sup>288</sup> The children in *Kishore Unnayan Kendra* (KUK-child development centre) formed a children's council through which they can voice concerns and participate in the management of the KUK.<sup>289</sup> Ichchey Media Group is an organisation of children involved in media-related work. They publish a monthly paper called *Amader Kotha*. Shishu Prokash, a children's news agency established in 2005, aims to strengthen children's participation in the media and has created 1,265 children journalists.<sup>290</sup> The Association for Community Development in Rajshahi district mobilises adolescent boy and girl groups to discuss gender, trafficking, child sexual abuse and reproductive health. Through its grass-roots links, the NGO has also mobilised adult volunteer advocates to reach out to vulnerable children and children engaged in commercial sexual exploitation.<sup>291</sup>

## **The Youth Partnership Project for Child Victims of Commercial Sexual Exploitation in South Asia**

is a regional anti-trafficking activity involving youth in Bangladesh, India and Nepal. Through the cooperation of the NGOs Aparajeyo in Bangladesh, Sanlaap in India and Maiti Nepal in Nepal, child survivors and young people at risk engage in peer support, community awareness and public advocacy on trafficking, sexual exploitation, gender discrimination and children's rights. The project is coordinated by ECPAT International.<sup>292</sup> A member of YPP South Asia also served as one of the two child representatives in The South Asian Initiative to End Violence Against Children (SAIEVAC).<sup>293</sup>



Many countries in South Asia have documented positive experiences of using child peer educators. UNICEF Bangladesh has supported a programme called Kishori Abhijan (Empowerment of Adolescents), which began its second phase in 2006. Originally targeted at girls, adolescent boys were later included. To date, nearly 2,500

boys have received training from peers on child abuse and exploitation, trafficking, gender, reproductive health and other issues critical to adolescents' growth and protection. The programme also develops peer-to-peer networks to enhance young people's self-confidence and encourage them to share their views about issues that affect them.<sup>294</sup>

## **Youth-led study on CSEC in Dhaka Slum Areas**

In 2010, the youth members of the ECPAT YPP that are part of Aparejeyo Bangladesh, carried out a youth-led slum survey to assess the vulnerability of children in these high risk areas to sexual exploitation. The youth designed the survey questions and interviewed their peers themselves (with almost 500 respondents). The study identified many challenges and risks faced by the young people in these environments as they work long hours for little money and live in poor quality homes. Children reported many rights violations and barriers to the safety – 50% of girls interviewed reported sexual harassment or sexual exploitation. The youth researchers reported how empowering they found the study process as they were so motivated by the optimism, courage and resilience of the children that they interviewed.<sup>295</sup>

# PRIORITY ACTIONS REQUIRED



## National plans of action

- Update and improve implementation of the National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking and provide the Monitoring Committee with the necessary resources and power to effectively carry out its monitoring mandate;
- Clarify the role of each stakeholder in the implementation of the NPA on Children 2005 – 2010 and allocate adequate budgetary resources to accelerate its implementation. Further, ensure the necessary monitoring and evaluation mechanisms to regularly assess progress achieved and identify possible deficiencies for corrective action;

## Coordination and cooperation

- Provide adequate human and financial resources to the Ministry of Women and Children Affairs to strengthen its coordinating role at the multi-sectoral, national, divisional, and district levels;
- Clarify the roles and mandates of the Ministry of Women and Children Affairs, the National Council for Women and Child Development and the Department for Children to reduce duplication;
- Revitalise efforts to establish an Ombudsman for Children in accordance with the Paris Principles mandated, *inter alia*, to deal with complaints from and on behalf of children in a child-sensitive and expeditious manner;
- Provide the National Human Rights Commission with adequate human and financial resources and the capacity to address issues of the rights of the child and ensure that complaints mechanisms are easily accessible and child-sensitive;
- Establish a comprehensive data collection system in order to ensure that data, disaggregated, *inter alia*, by age, sex, minority group, socio-economic background and geographical area are systematically collected and analysed. Data should also include information on the number of prosecutions and convictions for such offences, disaggregated by the nature of the offence.

- ✎ Enter into further bilateral agreements with neighbouring countries, providing for the prevention, care, reunification and rehabilitation of child victims of trafficking for the purpose of prostitution;
- ✎ Strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.

## Prevention

- ✎ Develop a comprehensive research on the different forms of CSEC, with a particular emphasis on child pornography and child sex tourism;
- ✎ Based on the research findings, develop targeted preventive activities to combat child pornography and child sex tourism related offences;
- ✎ Give adequate attention, including at the financial level, to projects addressing the root causes, such as poverty, underdevelopment and cultural attitudes, demand for sex with children, of the vulnerability of children all forms of sexual exploitation;
- ✎ Conduct awareness campaigns at all levels to raise awareness of the issues surrounding abuse and exploitation of boys and male gender relations, masculinity, power abuse and sexual violence;
- ✎ Take measures to ensure that information is available, especially to adolescent girls, on the harmful effects of early marriages;
- ✎ Ensure access to health services, education, and shelter for children living or working in the streets and take necessary measures with the families and the children themselves to assist these children to return to their families;
- ✎ Take measures to accelerate free birth registration for all children born within the national territory, including children whose father- or both father and mother- are unknown, children born to single mothers, children born out of wedlock and refugee children. Furthermore, carry out information and awareness-raising campaigns for parents and the community at large on the need to register births, and allow children without official documentation to access social services, such as health and education, while waiting to be registered.

## Protection

- ✎ Ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the UN Convention against Transnational organized crime and the ILO Minimum Age Convention;

- Set the age defining children within the legal framework at 18 years;
- Amend the Penal Code and other related legislations including Children Act, SVWCA and SITA, to ensure that boys have legal protection from sexual exploitation;
- Reform national legislation to bring the provision on child prostitution, child pornography and child trafficking in line with the Optional Protocol;
- Reform national legislation to include criminalisation of child sex tourism related offences;
- Take legislative measures to prohibit early and forced marriages;
- Take appropriate measures to ensure the prompt prosecution of perpetrators of sexual offences against children;
- Ensure that child victims of commercial sexual exploitation are not criminalised or penalised;
- Train law-enforcement officials, social workers, judges and prosecutors on how to receive, monitor and investigate complaints in a child-sensitive manner;
- Provide child friendly investigation and prosecution techniques to ensure that child survivors of sexual exploitation are not further victimised;
- Establish specialised law enforcement units dedicated to investigating Internet-facilitated crimes against children and to identifying victims found in child sexual abuse materials. This entity should work in cooperation with other national units on child pornography, through Interpol, with images of child sexual exploitation to be shared through the International Child Sexual Exploitation database as material evidence of a crime;
- Require Internet service providers to report child abuse imagery to law enforcement and block access to sites containing those materials;
- Establish administrative regulation of cyber cafes and other places where computers are available to the general public, including specific measures to protect children and adolescents, which may take the form of a standard or code of conduct;
- Support the establishment of an Internet reporting Hotline to work in close coordination with ISPs and Law enforcement;
- Promote the code of conduct for the Internet service providers including the mobile phone industry that provides access to Internet.

## Recovery and reintegration

- Include recovery and reintegration programme for boys in addressing rights violations within the context of commercial sexual exploitation;

- ✎ Integrate the existing provisions of psychosocial counselling for the sexually exploited boys into a comprehensive programme with legal services, shelters, drop-in-centres, life skills training for rescue, recovery and integration facilitation;
- ✎ Strengthen partnerships with the community, relevant NGOs and international development partners to provide child victims of trafficking with adequate recovery and social reintegration services and programmes;
- ✎ Continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, in accordance with the Rio Declaration and Agenda for Action against Sexual Exploitation of Children;
- ✎ Prioritize recovery assistance and ensure that education and training, as well as psychological assistance and counselling, are provided to victims;
- ✎ Allocate a 3-digit toll-free number accessible daily for 24 hours to all districts.

#### Child and youth participation

- ✎ Take steps to ensure effective participation of children in the implementation, monitoring and evaluation of the existing NPAs related to CSEC;
- ✎ Officials and community leaders should be sensitised towards the benefits and approaches of child and youth participation in relevant public debates and policy development forums;
- ✎ Increase better understanding of children and youth participation in order to institutionalise such measures in Bangladesh society;
- ✎ Take steps to develop a youth participation framework to monitor CSEC.

## The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents\*

*Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.*

### C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

#### I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

#### II – Forms of Sexual Exploitation and its New Scenarios

##### *Child pornography/child abuse images*

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

\* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: [http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII\\_Outcome\\_Document\\_Final.pdf](http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf)

- images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
  - (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
  - (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
  - (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
  - (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
  - (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
  - (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
  - (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
  - (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.
- Sexual exploitation of children and adolescents in prostitution*
- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

(15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

*Sexual exploitation of children and adolescents in travel and tourism.*

(16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.

(17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.

(18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.

(19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

(20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

(21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

*Trafficking and the sexual exploitation of children and adolescents*

(22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.

(23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.

(24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.



- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

*Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).*

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

### **III – Legal Frameworks and Enforcement of the Law**

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

#### **IV – Integrated Cross-Sectoral Policies and National Plans of Action General**

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

#### *Prevention*

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

#### *Protection of the child*

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psychosocial support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

## **V – International Cooperation**

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

## **VI – Social Responsibility Initiatives**

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of

children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

## **VII – Monitoring**

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and

redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

## C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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